ANNO TRICESIMO NONO ET QUADRAGESIMO

VICTORIÆ REGINAE.
A.D. 1876.

No. 43.

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An Act to consolidate and amend the Laws relating to District Councils and for other purposes.

[Assented to, 27th October, 1876.]

WHEREAS it is expedient to consolidate and amend the “District Councils Act, 1858,” the Act No. 10 of 1861, “The District Councils Act, 1862,” and the Act No. 21 of 1865-6, and to add thereto other provisions—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and the House of Assembly of the said Province, in this present Parliament assembled as follows:

Preliminary.

1. The several Acts mentioned in the Schedule hereto marked A shall be and the same are hereby repealed, but no Act by the said Acts or any of them repealed shall be hereby revived: Provided that nothing herein contained shall affect the validity of any act or thing lawfully done or made under the said Acts or any of them, or of any by-laws made in pursuance of such Acts or any of them respectively, or prevent any penalty being imposed, enforced, or recovered, or any punishment being inflicted for any offence heretofore committed against the said Acts or any of them.

2. This Act may be cited for all purposes as “The District Councils Act, 1876.”

3. All districts, wards, and District Councils now existing and heretofore constituted, and designated and appointed under the said Acts hereby respectively repealed, or any of them, or under any Acts or laws heretofore in force respecting District Councils shall be and continue districts, wards, and District Councils, under and subject to the provisions of this Act; and all Councillors, Chairmen, and officers or other persons appointed, elected, or holding any offices under or by virtue of the several Acts hereby repealed, or any of them, or under or by virtue of any Acts or laws heretofore in force respecting District Councils, which it would be lawful for such persons to hold under the provisions of this Act, shall continue in and hold
hold such offices under and subject to the provisions of this Act; and all proceedings bonâ fide commenced, and prosecuted, and now depending under the said repealed Acts, or any of them, shall proceed in every respect as if this Act had not been passed: And all lands, tenements, and hereditaments vested in any District Council, shall be and continue vested in and the property of such District Council; and all other property belonging to any District Council shall be and continue the property of such District Council; and all rates and debts due before the passing of this Act to any District Council, may be collected, levied, and recovered in manner provided by this Act, for the recovery of any rates and debts; and all the rights, powers, liabilities, contracts, and engagements of any District Council, or any officer or other person appointed or elected under the provisions of the said repealed Acts, or any of them, or under any Acts or laws heretofore in force respecting District Councils, or into which any such District Council, officer, or person may have entered, or to which any such District Council, officer, or person may be entitled, or subject under the said Acts, or any of them, before the passing of this Act, may be enforced by and against the said District Council, officer, or person, as if this Act had not been made, subject in all cases to the provisions hereinafter contained.

4. Any Proclamation of the Governor at any time heretofore published in the Government Gazette for the purpose of effecting any act, which the Governor with the advice of the Executive Council is hereby empowered to do, shall be and the same is hereby declared to be as valid and effectual to all intents and purposes as though made under the provisions of this Act.

5. In the construction of this Act, except where the subject or context or other provisions hereof require a different construction, the following terms shall have the respective meanings hereinafter assigned to them, that is to say—

“District,” “Ward,” “District Council,” “Councillor,” “Chairman,” or “Auditor” shall mean and include as well any District, Ward, District Council, Councillor, Chairman, or Auditor respectively, established, appointed, or elected before as any District, Ward, District Council, Councillor, Chairman, or Auditor respectively, established, appointed, or elected after the passing of this Act:

“Officer” shall mean and include any Clerk, Treasurer, Surveyor, Valuator, Collector, Poundkeeper, Inspector, Ranger, or Constable who shall be employed in any district in any such office, under or in the gift or appointment of a District Council, whether appointed before or after the passing of this Act, and whether acting in performance of the duties of one or more of the above-mentioned offices:

“Rateable Property” shall mean and include all buildings, lands, tenements,
tenements, and hereditaments (including land belonging to the Crown), with the following exceptions, namely—Land belonging to the Crown, and not granted nor lawfully contracted to be granted in fee simple to any person or persons, and not leased to or in the occupation of any person, lands and buildings, and parts of lands and buildings, used exclusively by the Government for any public purpose; any hospital, lunatic asylum, benevolent institution, buildings used exclusively for charitable purposes, any church, chapel, or buildings used exclusively for public worship, any academical institution which shall have obtained an Act of Incorporation, any other building used exclusively as a school, whether private or public, and any part of a building used as a school, whether private or public:

"Ratepayer" shall mean the occupier of rateable property, or the owner, other than the Crown, of unoccupied rateable property:

"Waste Lands of the Crown" shall mean any land within the said Province, the property of the Crown, not granted or lawfully contracted to be granted to any person or persons in fee simple, or for an estate of freehold, and not lawfully appropriated for any public purpose:

"Crown Lands" shall mean all lands belonging to Her Majesty within the said Province, not coming within the definition of "Waste Lands of the Crown:"

"Person" shall extend to a Corporation, sole or aggregate:

"Public notice" shall mean notice given by advertisement in the Government Gazette, and by posting handbills on every post-office in the district, and on every other place appointed by the District Council by by-law as a place for posting notices.

6. This Act shall be divided into fourteen parts, relating to the following subject matters—

**Part I.—Creation of District Councils and alteration of Boundaries of Districts and Wards, sections 7 to 15:**

**Part II.—Councillors, their Number, Qualification, Disqualification, and Retirement; Chairman of District Council, sections 16 to 32:**

**Part III.—Auditors, sections 33 to 38:**

**Part IV.—Elections, sections 39 to 51:**

**Part V.—Meetings, Powers, and Functions of District Councils, sections 52 to 96:**

**Part VI.—Constables, sections 97 to 112:**

**Part VII.—Revenue and Expenditure, sections 113 to 120:**

**Part VIII.**
PART VIII.—Assessments, Appeals against Assessments, Rates, and Recovery of Rates, sections 121 to 145:

PART IX.—Sale and Letting of Land for Payment of Rates, sections 146 to 149:

PART X.—By-laws, sections 150 to 153:

PART XI.—Penalties, sections 154 to 174:

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PART XIII.—General Provisions as to Meetings, sections 184 to 196:

PART XIV.—Legal Procedure, sections 197 to 217.

PART I.

CREATION OF DISTRICT COUNCILS, AND ALTERATION OF BOUNDARIES OF DISTRICTS AND WARDS.

7. Any one or more of the following acts may, from time to time, and at any time, be done by the Governor, with the advice of the Executive Council, by Proclamation, founded on a petition of ratepayers—

New districts may be constituted and designated of land, wholly without or wholly within, or partly without and partly within, the limits of districts then in existence:

The boundaries of districts may be altered, either by separating part of a district from and declaring that it shall no longer form part of a district, or by adding to a district other land, whether theretofore included or not within the limits of a district. Land so added may be divided or formed into wards or a ward, with such names or name as may be thought fit; or the land so added, or any part thereof, may be joined to any ward or wards already existing:

A district, or any part of a district, may, either when first constituted or at any time afterwards, be divided or formed into wards or a ward, with such names or name as may be thought fit:

Wards of a district may be rearranged, and the number thereof increased or diminished, or the boundaries thereof altered:

The name of a district or ward may be altered:

The first District Councillors for a new district or ward or wards formed within or added to a district before the first election of Chairman for the District Council, may be appointed:

The number of Councillors to serve for each ward formed within or added to a district may be fixed:

Any vacancy in the office of Councillor occurring before the first Chairman of a District Council has been elected may be supplied by fresh appointment.
The District Councils Act.—1876.

8. The petition shall contain the following particulars, and shall be signed as follows—

For forming a new district, the boundaries of the proposed district, and also the boundaries of every district, or part of a district, intended to be included in the proposed district, shall be described, and the signatures of not less than two-fifths of the ratepayers of the proposed district shall be necessary:

For altering the boundaries of a district, the boundaries of the piece proposed to be separated or added shall be described, and the signatures of not less than two-fifths of the ratepayers of the piece proposed to be separated or added shall be necessary:

For dividing or forming a district or part of a district into wards or a ward, or re-arranging the wards of a district, the boundaries of the ward or several wards into which it is proposed that the district or part of a district shall be thenceforth divided or formed shall be described, and the signatures of not less than two-fifths of the ratepayers of the district or part of the district proposed to be divided or formed into wards, or a ward, or the wards of which are to be re-arranged, shall be necessary:

For altering the name of a district or ward the petition shall be signed by not less than two-fifths of the ratepayers of the district or ward, as the case may be:

If there shall be no more than ten ratepayers within any district, or part of a district, or piece of land not theretofore included in a district, and intended to be included in or added to any district, then the signatures of any ratepayers thereof shall not be necessary; but the petition shall be signed by two-fifths of the ratepayers of the district, or proposed district, to which it is proposed that the addition shall be made, or wherein it is proposed that the district, part of a district, or piece of land shall be included:

For appointing a Councillor or Councillors, the name or names of the person or persons proposed for the appointment shall be stated, and the signatures of five ratepayers shall be necessary:

For fixing the number of Councillors for wards, the number of Councillors proposed for each ward shall be stated, and the signatures of five ratepayers shall be necessary:

The petition shall pray the Governor to do the act or acts required.

9. Every such petition shall be published for three successive weeks in the Government Gazette.

10. Any person or persons may, by memorial to the Governor, show cause against the petition, or any part thereof.

11. The
11. The Proclamation may issue at the expiration of six weeks from the first publication of the petition, and may grant the prayer of the petition, or any part thereof, with such alteration or modification as may appear necessary or expedient.

12. The Proclamation shall be published in the Government Gazette, and shall contain such description of boundaries as would be required in a petition praying the Governor to do the particular act or acts by the Proclamation effected.

13. The title of any District Council or Councillors to act as such in any case in which they are appointed, or in which any jurisdiction is conferred upon them by any Proclamation heretofore or hereafter published in the Government Gazette, or in any case in which by this Act the Governor is empowered to issue a Proclamation, shall not be impeached or questioned in any proceeding whatever on the ground of any neglect or omission to perform, or any error or irregularity in the performance of any act which is required as a preliminary to the issue of a Proclamation.

14. Any part of a district to which the provisions of the Acts relating to Municipal Corporations, or any of them, have been, before the passing of this Act or may hereafter be extended, shall cease to be or be considered part of a district as from the date at which the provisions of the said Acts, or any of them, were or may be extended thereto.

15. Any part of a town to which the provisions of the Acts relating to Municipal Corporations, or any of them, have been or may be applied, and which subsequently to the extension of such Acts, or any of them, to such town, has been or may be by Proclamation included in or added to a district, shall cease to be or be considered part of a town, or to be subject to the said Acts, or any of them, as from the date of the Proclamation whereby the same part of a town has been or may be included in or added to a district.

PART II.

COUNCILLORS: THEIR NUMBER, QUALIFICATION, DISQUALIFICATION, AND RETIREMENT. CHAIRMAN OF DISTRICT COUNCIL.

16. The District Council of every district shall consist of five members when the district is not divided into wards, and of a Councillor or Councillors for each ward where wards exist, the number of Councillors for each ward to be as fixed before the passing of this Act, or as may be fixed under the provisions of this Act.

17. To qualify a person to be or continue a District Councillor, he must reside in and be a ratepayer of the district for which he is appointed or elected.

18. The
PART II.
Disqualifications for Councillors.

18. The following persons shall not be or continue members of District Councils—

A Special Magistrate or Stipendiary Magistrate:

A person under the age of twenty-one years:

An uncertificated bankrupt or insolvent:

A person who, at the time of his appointment or election, shall hold, or, after his appointment, has accepted or shall accept or continue to hold any place of profit under or in the gift of the District Council for which he is appointed or elected, or of which he is a member, or who shall at the time of his appointment or election, or subsequently, be concerned or participate in any manner, in any contract or work or the profit thereof, to be done under the authority of the District Council for which he is appointed or elected, or of which he is a member: Provided that nothing herein contained shall prevent any Councillor acting as Returning Officer or Deputy Returning Officer at any election meeting in pursuance of this Act from receiving the fees payable to such Councillor so acting, or from receiving travelling expenses incurred in pursuance of and authorized to be paid by resolution of the Council, and that nothing in this section contained shall disqualify any member of any Joint Stock Company, incorporated by Royal Charter, or established by or incorporated under the provisions of any Act of the Imperial Parliament or the Legislature of South Australia, by reason only of such company being concerned in, or party to, any contract with, or work done, under the authority of a District Council.

19. The following persons shall not be compelled to serve, or be liable to any penalty for not serving, as Councillors, that is to say—

A member of the Legislative Council or House of Assembly:

A person who, at the time of his appointment or election, may reside, or after his election may go to reside, or by reason of alteration in the boundaries of a district, may become resident out of the district for which he is appointed or elected:

A person who, having been appointed or elected a Councillor under any of the Acts hereby repealed, or this Act, has served or shall serve the full time during which a person duly qualified was or may be entitled to hold the office under such appointment or election, without re-election, and who at any time within three years from the end of his aforesaid service, shall be again elected a member for the same Council:

A person who, at the time of his appointment or election, is, or during his tenure of office, may attain sixty years of age:

A person receiving any salary from the Government of the said Province:
The District Councils Act.—1876.

To entitle any persons, other than a Member of the Legislative Council or House of Assembly, to exemption under this clause, he must, if appointed by Proclamation, and the first Chairman of the District Council has not been elected within fourteen days after his appointment, or the happening of the event exempting him, send through the post to the Commissioner of Crown Lands of the said Province, and whether he is appointed or elected, he must, if the first Chairman has been elected within fourteen days after the election or appointment of such person, or the happening of the event exempting him, deliver or send through the post, addressed to the Chairman or Clerk of the District Council, a notice claiming exemption, and stating the grounds thereof.

20. The following causes shall create a vacancy in the office of Councillor; and no vacancy shall be supplied by appointment or election unless it shall be occasioned or occur as under—

Death, lunacy, idiocy, or insolvency:

Absence from the said Province for three consecutive ordinary meetings without leave of the District Council, or non-attendance at the meetings of the Council for three consecutive ordinary meetings without sufficient cause, followed in either case by a resolution of the District Council declaring the office vacant, which resolution the District Council may pass within three weeks next after the expiration of the said three consecutive ordinary meetings, but are not bound to pass:

Disqualification, and notice thereof sent through the post by the disqualified person to the Commissioner of Crown Lands if the disqualification exists or occurs before the first Chairman of the District Council is elected; or in any other case delivered or sent through the post addressed to the Chairman or Clerk:

Resignation, by notice delivered to or sent through the Post addressed to the Chairman or Clerk by the person resigning:

Retirement, by rotation, as herein provided:

Exemption under this Act if notice thereof shall have been duly given as hereinbefore provided:

The judgment or order of any duly authorized Court or Justices declaring the office vacant on the ground that a Councillor is not properly qualified, appointed, or elected, or declaring that any person ought not, from any cause hereby declared to disqualify, or from incapacity to act, or any other lawful cause, to hold or continue to hold office.

21. At the first annual election, after the passing of this Act, or the establishment and appointment of a District Council, and at every subsequent annual election, until a district may be divided into wards, and where no wards exist, three of the members shall retire from office.
### The District Councils Act—1876.

#### PART II.

**Who to retire.**

22. The members to retire shall be those that have been longest in office without re-election; and when the number cannot be thus made up, a ballot shall take place between those who have been an equal time in office without re-election to decide as to which of them shall retire.

**Chairman not to ballot.**

23. The Chairman shall in no case be required to ballot; but the other member or members with whom it would be necessary, but for his position as Chairman, that he should ballot, shall retire, or draw lots between them without the Chairman, to decide which of them shall retire.

**Vacancies existing at the annual election meeting how supplied.**

24. When, at the time of giving notice of the annual day of nomination, there shall be vacancies for any district, and no more Councillors are required to retire at the election meeting for that year than there are seats then vacant, there shall be no need for any retirement of members, but the vacancies so existing shall be filled up at the annual election meeting, and if any vacancy or vacancies shall exist at the time of giving notice of any annual day of nomination, every member whose seat is so vacant shall be taken to be a person bound to retire at the annual election meeting, and every such vacancy shall be filled up at the annual election meeting, and any other retirements which may be necessary shall be settled in manner herein provided.

**When Auditors and Councillors to retire. Retiring Councillors to hold office until successors elected.**

25. The Auditors, and as many Councillors as are required by this Act to retire shall respectively go out of office on the first Monday in July in every year. Councillors retiring at the annual election shall continue in office until the necessary elections to supply vacancies have taken place.

**Ballot to take place before the annual meeting.**

26. Any ballot required to take place before the retirement of members, shall take place before notice of the day of nomination of candidates for election shall be given.

**Who shall retire when wards exists.**

27. When a district is divided into wards, at the first annual election held after the passing of this Act, or after the appointment or election of Councillors for wards, one-half or a majority of one when the members are uneven, to be decided by ballot between them shall retire from office; and, at the next and every subsequent annual election, those Councillors who have been longest in office without re-election shall retire; and, if necessary, so many of the other Councillors as shall be required to make up the number of one-half, or a majority of one, as the case may be, to be decided by ballot between them shall also retire.

**When district divided into wards, Councillors to be elected.**

28. Whenever after the appointment of the first Councillors for a district the district or any part thereof shall be divided or formed into wards or a ward, or a ward or wards shall be added to a district, proceedings shall be forthwith taken by the District Council for the election of the necessary Councillor or Councillors.

29. After
The District Councils Act—1876.

29. After a district shall be divided into wards, and so soon as Councillors are elected for wards, all the former Councillors shall cease to be Councillors unless re-elected.

30. When from any reason any ward shall cease to be a ward of a district, either on re-arrangement of boundaries or separation of part of a district from the residue, the Councillor or Councillors for such ward shall cease to be a member or members of the District Council.

31. At the first meeting of a District Council, after the annual election shall be held, a Chairman shall be elected by a majority of votes; and if there shall be an equal number of votes for two or more members having the largest number of votes, the person to act as Chairman shall be chosen by lot between those members having the equality of votes; but the omission to elect a Chairman shall not prevent the District Council from making such appointment at any future meeting; and any vacancy in the office of Chairman may be filled up at any meeting of the District Council.

32. A Councillor or Chairman duly qualified, but retiring from, or ceasing to hold office, shall be eligible for re-election.

PART III.
AUDITORS.

33. There shall be two Auditors for a District Council, who shall be elected in the same manner in every respect as Councillors are to be elected, except as by this Act otherwise provided.

34. When a district shall be divided into wards, and meetings shall be held for more than one ward for election of Councillors, votes for Auditors shall be taken at each ward meeting, and every person of the full age of twenty-one years, whose name appears as a ratepayer in the assessment book for the current year, in respect of property situated in a ward wherein no election takes place, may give one vote for Auditors for each such ward at either ward meeting, but except as by this clause provided, ratepayers shall vote only in the ward wherein the rateable property in respect of which they may be entitled to vote, is situated: Provided that where a district is divided into wards every person qualified as aforesaid shall be entitled to one vote for Auditors for every ward containing property in respect of which he is a ratepayer: Provided also that the Council may fix, by notice, one ward only in which the votes for Auditors shall be taken.

35. The qualifications or disqualifications for, or exemption from, acting in the office of Auditor, shall be the same as in the case of a Councillor, except that the Auditors need not be ratepayers within the district; but no Councillor shall be Auditor for the District Council of which he is a member: Provided that any Auditor may, with
with his own consent, be elected a member of the District Council for which he is Auditor, and shall thereupon cease to be an Auditor.

The following causes shall create a vacancy in the office of Auditor, viz.—

Death, lunacy, idiocy, or insolvency:

Absence from the said Province at the time at which the half-yearly audit is appointed to take place, or non-attendance at the audit after fourteen days’ notice shall have been given to any Auditor of the time and place appointed for the audit:

Appointment as a member of the District Council:

Disqualification and notice thereof sent through the post by the disqualified person to the Chairman or Clerk of the District Council:

Exemption and notice duly given:

The judgment or order of any duly authorized Court or Justices declaring the office vacant on the ground that an Auditor is not properly qualified or elected, or declaring that any person ought not, from any cause hereby declared to disqualify, or from incapacity to act, or any other lawful cause, to hold, or continue to hold, the office of Auditor.

36. The Auditors shall, as soon as conveniently may be, after the half-yearly balancing of accounts, proceed to audit the accounts of the District Council for the half year preceding the said half-yearly balance; and the District Council shall cause to be produced and laid before such Auditors the said accounts, together with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and if the said accounts be found correct, such Auditors shall sign the same in token of their allowance thereof.

37. The District Council shall cause the yearly balance sheet to be advertised once in one of the newspapers of the said Province and in the Government Gazette within one month after the Auditors having signed the same.

38. The Auditors may refuse to allow any person, except the Chairman of the District, to be present at the audit of the accounts.

PART IV.

ELECTIONS.

39. Annual and other election meetings may and are hereby required to be held, although the District Council may not have prepared the assessment for any year, and notwithstanding any omission, or breach or neglect of duty, or default on the part of the District Council or of any of their officers.

40. The
40. The nomination of Councillors and Auditors shall take place on the last Monday in June, at the hour of noon, and seven clear days at least before the day of nomination the Chairman of the District Council shall cause public notice to be given of the place, day, and hour for the nomination of candidates for election to the several offices.

41. The nomination of Councillors and Auditors shall be signed by two ratepayers, and such nomination shall be in the form in Schedule B to this Act, or as near thereto as circumstances will admit; but no nomination shall be acted upon unless the same shall have been lodged in the office of the District Council before the hour of noon of the day fixed for nomination as aforesaid.

42. On the day of nomination the Returning Officer shall attend at the District Council Office, at the hour of noon, at which time and place he shall cause all nominations lodged in the office publicly to be opened and read aloud; if there shall be such number of candidates so nominated as are required to be elected, and no more, the Returning Officer shall declare such candidates to be duly elected to serve in their respective offices for the year commencing on the first Monday in the July next ensuing, but in the event of there being more candidates nominated than are required to be elected, the Returning Officer shall adjourn all further proceedings in respect of such election, until the first Monday in the July following, when the election shall be by ballot, and for the purpose of such election every District Council shall be considered a Public Body within the meaning of "The Ballot Act of 1862."

43. The Returning Officer shall cause to be given notice of such adjournment, and the object thereof, and the names of the several candidates, and, in the case of wards, for which ward they are nominated, and the hour and place where such election is to take place, by posting handbills on every post office in the district, and on every other place appointed by the District Council by by-law as a place for posting notices.

44. In case, from any cause whatever, no election shall be made of Councillors or Auditors upon the day or within the time appointed by this Act for any such election, or such election being made, shall afterwards become void, the District Council shall come under no disability whatever by reason thereof, but shall proceed as soon thereafter as may be to the election of such Councillors or Auditors, and every act necessary for the completion of such election may be done, and shall be as effectual and valid for all purposes as if the election so delayed had been made on the proper day appointed for the same.

45. If an extraordinary vacancy shall occur in the office of Councillor or Auditor, the ratepayers shall, upon a day to be fixed by the District Council, such day not to be later than one calendar month
Part IV.

month after the occurrence of such vacancy, elect another qualified person to supply such vacancy, and the nomination for such election shall take place seven days before the day fixed for election, and such election shall be held and the nomination and (in case of a contest) the voting shall be conducted in the same manner, and subject to the same regulations as are hereinbefore prescribed with respect to the election of Councillors and Auditors; and every person so elected shall hold office until the time at which the Councillor or Auditor, in room of whom he was chosen, would regularly have gone out of office, when he shall go out of office, but be capable of re-election.

46. In case the District Council shall not proceed, as herein directed, to the election of Councillors or Auditors within fourteen days after any of the days or times appointed by this Act for any such election, any Justice of the Peace resident within the district, may do every other act necessary for the carrying out of such election, including the appointment of a day of nomination and of a Returning Officer; and in such case he shall cause to be had any ballot which may be necessary for the purpose of deciding what Councillors are to retire, at an open meeting within the district, in the presence of at least five ratepayers, and of the time and place of holding which he shall cause to be given to the District Council three days' previous notice, and the ballot may be taken in the absence of any members of the District Council.

47. At any meeting in a ward for the election of Councillors or Auditors, every person of the full age of twenty-one years, whose name appears as a ratepayer in the assessment book for the current year, in respect of any property within the ward may give one vote: and at any meeting for the election of Councillors or Auditors, where the district is not divided into wards, every person of the full age of twenty-one years whose name appears as a ratepayer in the assessment book for the current year, may give one vote.

48. The District Council shall appoint a Returning Officer, not being a candidate, to preside at the nomination and election of Councillors or Auditors.

49. The Returning Officer shall cause a notice to be given to each person elected, or sent to him through the post, directed to him, at his residence, within forty-eight hours from the time of his election, informing him of his having been elected a District Councillor or Auditor, as the case may be, and shall also, within ten days of the election, cause a notice of such election to be inserted in the Government Gazette.

50. When any person shall be elected for more than one ward he shall not be considered a member for either until he, by notice in writing to the District Council, or in default thereof for six days after the election, the District Council by resolution shall decide for which
which ward he shall serve, and the vacancy or vacancies for the ward
or wards for which he shall be elected and not serve, shall be filled
up in the same manner as hereinbefore directed by clause 44 with
respect to any extraordinary vacancy, the election to be held within
one calendar month from such notice or resolution, as the case may be.

51. Every meeting for the election of a Councillor or Councillors
for a ward shall be held within the ward.

PART V.

MEETINGS, POWERS, AND FUNCTIONS OF DISTRICT
COUNCILS.

52. The annual meeting of the District Council shall be held
in the second week in July next after the passing of this Act or the
appointment of the District Council, and in the second week in July
in every succeeding year.

53. Ordinary meetings of the District Council shall be held at
least once in each month for the dispatch of business; and special
meetings may be held at any time, and any business required to be
done at an annual or an ordinary meeting may be transacted at any
special meeting, and until otherwise provided for by by-law, every
special meeting shall be called by sending, three days before the
meeting, a notice thereof, stating the time and place and business of
such meeting, to each member of the District Council, addressed to
him through the post.

54. At all meetings of District Councils, except where otherwise
provided for in this Act, three-fifths of the members of the Council,
actually in office at the time, shall form a quorum.

55. Notwithstanding any vacancies in the office of Councillor, the
business of the District Council may be carried on by the member
or members actually in office, who shall have all the powers of the
District Council.

56. The Chairman of the District Council, and in his absence any
other member, to be elected in manner appointed for the election of
Chairman of the Council, shall preside at any meeting of the District
Council; and the Chairman of the meeting shall have a deliberative
as well as a casting vote.

57. The District Council shall keep a minute book, in which the
proceedings of each meeting and the business performed thereat shall
be entered; and the minutes of each meeting shall be signed by the
Chairman of such meeting, and be confirmed at the next regular
meeting of the District Council.

58. Every ratepayer in the district may, at any time, on the days
of the meetings of the Council, between the hours of twelve at
noon, and two in the afternoon, and upon payment of a fee of One
Shilling

Meeting for election of Councillor to be held within the ward.

Annual meeting to be held in second week in July.

Ordinary meetings to be held once in each month.

Three-fifths of members to form quorum at meeting.

Business of Council may be carried on notwithstanding vacancy.

Chairman of Council to preside.

Minute book to be kept.

Minute book to be open for inspection.
PART V.

Name and privileges of District Councils.

59. Every District Council shall be a corporation, and the corporate name thereof shall be “The District Council of ___,” such blank being filled in with the distinctive name of the particular district for which it is appointed, and every District Council shall have perpetual succession, and by its corporate name may purchase, take, receive, accept, acquire, sell, demise, or dispose of, any lands, tenements, and hereditaments, goods, chattels, and things, and contract and agree for the same, and become a party to any deed, conveyance, agreement, or instrument, for giving effect to such purchase, acquisition, sale, demise, or disposition, or for the performance or construction of any work, or the delivery or removal of any materials, and may take security by way of bond, obligation, or otherwise, and by such name may sue and be sued, implead and be impleaded, in any Court or before any tribunal whatever.

Deeds, how to be signed and executed.

60. Every deed, conveyance, agreement, or instrument, to which any District Council is a party, or which it may be necessary for the District Council to make, shall, if required to be executed by the District Council, be executed or signed by the Chairman in the name and on behalf of the District Council.

District Councils may accept lands and tenements for public purposes.

61. The District Council may purchase or accept, either from the Crown or any person, any land, tenements, or hereditaments, for any cemetery, or for any other district purpose, and may accept a gift, conveyance, or assignment of any land, tenements, or hereditaments, for any charitable or public purpose not connected with religious worship, and hold the same upon such trusts or for such purposes as may be declared by the donor.

Power to lease or improve lands.

62. The District Council may, from time to time, demise, let, manage, or improve any lands, tenements, hereditaments, jetties, piers, wharves, and breakwaters heretofore or hereafter acquired in such manner as may be considered expedient, and as shall not be inconsistent with the purposes for, or the trusts upon which, the same may be held.

District Councils may accept conveyances of lands from Trustees.

63. Any lands now or hereafter held by Trustees within a district upon trust for any public cemetery, may by the said Trustees be conveyed to the District Council, if the District Council shall be willing to accept the trust, and the said District Council shall hold the same upon the original trusts or such of them as are applicable, and the Trustees shall thenceforth be discharged from such trusts.

Public meeting of ratepayers may compel Trustees to convey

64. Where any land within a district is now vested in Trustees for any public cemetery and the District Council have the control or management thereof, or the appointment of new Trustees in
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in case of a vacancy, and the Trustees shall not be willing to convey or transfer the same to the District Council, or there shall be any difficulty in the way of such conveyance or transfer being perfected, the District Council may call a special meeting of ratepayers for the purpose of deciding whether such land shall be conveyed or transferred to and held by the District Council, and at such meeting, if a majority of three-fourths of the ratepayers decide that the land shall be conveyed or transferred to and vested in the District Council, the same shall be conveyed or transferred to, and vested in, the District Council accordingly.

65. When any lands, tenements, or hereditaments have been or may be granted or conveyed to any District Council for any purpose, or have been or may be held upon trust for any District Council, and by reason of the district being incorporated with any other district, or of any separation, or from any other cause, the land so granted or conveyed does now or may form part of any new or other district, or by reason of the district or any part thereof being incorporated under the regulations prescribed by “The Municipal Corporations Act, 1861,” and thereby becoming independent of the authority of the Council of any District of which it may have formed part, the lands, tenements, and hereditaments aforesaid shall, from and after the passing of this Act, or from and after the same lands, tenements, or hereditaments becoming part of any new or other district, or in any town, district, or place which shall become incorporated by Proclamation under the said Municipal Corporations Act as aforesaid, as the case may be, become vested in the District Council of the new or other district, or in the Council of any such new or other incorporated town.

66. When any district shall for any reason become included in or added to another district, or when any new district shall be formed out of any existing district or districts, or partly out of any existing district or districts, and partly from land not included in any district, the rights, duties, and liabilities of the District Council of the district so included or added, or of any existing District Council in respect of any part of any such new district, shall be transmitted to the District Council of the other district in or to which such district shall have become included or added, or of such new district, as the case may be; and on any such transmission the said rights, duties, and liabilities may be enforced by and against the District Council to which the same shall have been so transmitted, in the same manner in every respect as though such rights, duties, and liabilities had originally attached to such District Council.

67. When rates legally due have been paid to any District Council neither the person paying the same nor the property in respect of which the same shall have been paid shall in any case during the same financial year as that for which such rates shall have been paid be liable to any other District Council for any rates in respect of the same property.
### PART V.

**Water reserve, care of, vested in District Council.**

68. The care, management, and control of all water and other reserves for public convenience, and of any jetties, piers, wharves, and breakwaters, situated within or on the boundaries of any district which by Proclamation of the Governor, with the advice of the Executive Council, may be placed under the care, control, and management of any District Council, shall be vested in the District Council of the district within, or on the boundaries of which the same are situate; and the Governor may issue to the District Council a grant of any such reserve, upon such trusts and under such conditions as may appear expedient: Provided, however, that it shall be lawful for the Governor at any time before such grant shall have been issued as aforesaid, by Proclamation, to resume such water and other reserves, jetties, piers, wharves, and breakwaters.

69. Any water reserve, after the issuing of such grant as aforesaid, but not otherwise, and any land purchased, accepted, or held by any District Council under section 61 of this Act for any purpose whatever, or purchased, accepted, or held by any District Council for any public, charitable, or district purpose whatever, may be exchanged by the District Council if it shall be considered necessary or desirable for any other water reserve or land to be held for a similar purpose.

70. In case of the exchange of water reserves or land as aforesaid, an agreement shall be first entered into between the District Council and the owner and the occupier (if any such there be) of any land intended to be taken as a water reserve or otherwise as aforesaid, in the form in the Schedule C to this Act annexed, or as near thereto as circumstances will admit. A survey map and plan containing the exact dimensions and position of the reserve, or part thereof, or of the land intended to be exchanged, and also of the land intended to be taken in exchange, shall be deposited in the Surveyor-General’s office; and notice shall be inserted in the Government Gazette of the intended exchange, giving a general description of the land, and of the land to be taken in exchange, with the names of the owners or occupiers thereof, so far as known, and referring to the survey map and plan, and calling on all persons who have any objections to the proposed exchange, to send notice in writing to the District Council or their Clerk, within forty days, of any objection to the proposed exchange, and giving notice of the time and place of the meeting of the District Council, to take into consideration the said intended exchange, such meeting to be held not more than sixty days from the first publication of the notice; and any ratepayer or other person interested, may object in writing, during the forty days, to the proposed exchange.

71. At the time and place appointed, a meeting of the District Council shall be held, whereat the District Council may consider the proposed exchange, and any objections of which notice has been given; and may decide either to make or refuse to make an order for the proposed exchange.

72. Should
72. Should the District Council at such meeting agree to the order, the same shall be drawn up in the form in the Schedule D to this Act annexed, or as near thereto as circumstances will admit, and the order, with all objections in writing, shall be submitted to the Governor, who may, within three calendar months of the order having been made, confirm the same, and a notice of the confirmation in the form in the Schedule E to this Act annexed shall be inserted in the Government Gazette within three calendar months from making of the order.

73. The order, when confirmed, shall have the effect of authorizing the exchange proposed, and upon payment of any amount which may be named in the agreement, and a receipt for the same in one of the forms in the Schedule F to this Act being given, either to or by the District Council for equality of exchange, the old reserve, or part of a reserve, or land as aforesaid, shall vest in the person with whom, by the order, the same is to be exchanged, and the land to be given in exchange shall vest in the District Council.

74. Should any person not a party to the agreement for exchange, after confirmation of any order for exchange, have any estate, right, title, or interest in the land taken by the District Council in exchange, he shall be entitled to compensation under "The Lands Clauses Consolidation Act," to be estimated and obtained in manner prescribed by that Act, which Act for all purposes of compensation under this clause shall be incorporated with this Act.

75. If the District Council shall not at the meeting make the order, or if the meeting shall not be held, or fail, or if the Governor shall not confirm the order, or if notice of the confirmation shall not be inserted in the Government Gazette within six calendar months after the same shall be made, any agreement made as aforesaid shall be null and void.

76. All streets in any township or village which shall have been dedicated to the public, within a district, of which dedication five years' uninterrupted use of such street by the public, after the laying out of any such township or village shall be evidence, shall be district roads, unless and until the same shall be or become main roads, and the same and all other district roads, shall be under the care and management, and subject to the control and direction of the District Council for the district, and the District Council shall be Commissioners of Roads for the district, so far as regards district roads.

77. The Commissioner of Crown Lands upon being satisfied that the exchange of any water reserves has before the passing of this Act been duly completed under the District Councils Act, 1858, shall cause separate certificates of title, in the form prescribed in Schedule FFF to this Act, to be issued in duplicate to the District Council, and to any other person entitled thereto, and the Commission of
Commissioner of Crown Lands after signing such certificate shall deliver the same to the Registrar-General.

78. Any private road or roads, street or streets, now in existence or hereafter laid out, although the same may not be thirty feet wide, may be conveyed to the District Council for the district wherein the same may be situate, from the owner or owners thereof, and the same shall thenceforth be a district road or roads, and all private rights of way thereon or thereover shall cease and be determined.

79. Every District Council shall, so soon as it may be practicable, cause to be prepared a survey map or plan in duplicate of all the roads and public reserves of the said district, with the course and bearings, and admeasurements of the same; and one of such maps or plans be kept at the office of the District Council and the other at the office of the Surveyor-General; and so often as any new road or reserve, or any alteration in any existing line of road, or in any reserve, shall be made under any authority vested in such District Council, such District Council shall cause such new road, or reserve, or alteration, to be delineated upon their map or plan, and upon the map or plan deposited in the office of the Surveyor-General, and such maps or plans shall be open to public inspection at all reasonable hours.

80. The District Council shall, within one month after any order for the exchange of water reserves or land shall have been confirmed by the Governor as aforesaid, forward a duplicate of such order to the Commissioner of Crown Lands, who shall, on being satisfied that the proceedings are regular, cause separate certificates of titles on parchment, in the form prescribed in Schedule FF to this Act, to be issued in duplicate to the District Council and to any other person entitled thereto, and the Commissioner of Crown Lands, after signing such certificates, shall deliver the same to the Registrar-General.

81. Upon receipt of any certificate of title given under the provisions hereof, the Registrar-General shall, after the expiration of three calendar months from the date of the order, bind up one of the certificates of title as a separate folium of the register book, and shall register the same under the provisions of the Real Property Act for the time being, and shall deliver the other of such certificates of title to the District Council or persons entitled thereto.

82. After registry of any such certificate of title as hereinbefore provided, the provisions of the Real Property Act for the time being shall be applicable to the land therein mentioned to all intents and purposes whatsoever as fully as if the said land had been brought under the provisions of such Act upon the application of a proprietor; and it shall be conclusively held in every Court of Law and Equity that the certificate of title shall vest such land and estate in the persons therein mentioned.

83. Subject
83. Subject to any rules of the Governor, which may from time to time be made, to regulate the depasturing of the waste lands of the Crown, or other Crown lands, for the whole or any part of the said Province, the District Council may issue licences to the owners and occupiers of land within the district, authorizing the holders of such licences to depasture cattle upon the waste lands of the Crown within the district, or that part of such waste lands as may be specified on the licence; but nothing herein contained shall affect any lease granted to or to be granted by the Governor, under the authority of any Act of the Imperial Parliament, Order in Council, or Act of the Legislature of the said Province: Provided that no such licence shall authorize depasturing on any travelling stock reserve or road.

84. Subject to any rule which has been, or may from time to time be made by the Governor for regulating the granting of timber licences, or licences for quarrying stone, in the whole or any part of the said Province, the District Council may grant licences to cut timber upon, and remove the same from, or quarry and remove stone and sand from the whole or any part of the waste lands of the Crown within the District.

85. Subject as aforesaid, the District Council may charge such fees for any depasturing, or timber, or stone, or sand licences, as may be thought fit.

86. Every District Council and every officer thereof shall have and exercise all the powers, rights, and privileges, and be subject to all the duties and liabilities which by any Acts, Ordinances, or laws in force within the said Province after the passing of this Act are conferred or imposed upon or vested in the District Councils or their officers, subject however to the provisions in this Act contained.

87. The Ranger of any District Council shall have power to impound cattle trespassing upon any district roads, or upon any public reserves or waste lands of the Crown within the district, and to make and receive for the use of the District Council, such charges as are, by the Act No. 17 of 1852, intituled "An Act for the making and improving of Roads in South Australia," to be charged and received in respect of cattle impounded from off district roads or the waste lands of the Crown or other Crown lands within the district.

88. The District Council may issue to any person residing in a district a licence to keep a slaughterhouse for large or small cattle or pigs at any place within the district, which is situate not less than one mile from the boundary of the City of Adelaide; and every licensed person shall be liable to all the rules, penalties, and disabili-

PART VI.

Depasturing licences.

Timber and quarry licences.

Fees.

District Councils to have powers, and to be subject to liabilities already existing.

Ranger may impound cattle trespassing on waste lands.

Licence to keep slaughterhouses.
of Cattle," any persons licensed thereunder are required to do, and to which they are subject and liable.

89. No. licence to keep a slaughterhouse within the limits of any District Council shall be granted except by the District Council of such district.

90. The District Council may exercise all the powers by the said last-mentioned Ordinance conferred on the Governor and Justices of the Peace for the appointment of an Inspector or Inspectors of Slaughterhouses or Brands; and any Inspector so appointed by the District Council shall be considered as an Inspector appointed under the said Ordinance, and, within the district, shall have all the powers and authorities, and perform and be subject to all the duties and obligations to which an Inspector appointed under the said Ordinance is liable; and such Inspector shall also act as Inspector of Nuisances; and all returns, which by the said Ordinance are to be made by Inspectors, shall be made to the District Council.

91. The District Council appointing an Inspector shall be substituted for, and have within their district, all the powers and authorities by the said Ordinance, vested in, and to be exercised by the Bench of Justices in all cases whatsoever; and when, by the said Ordinance, an Inspector is required to do any act, by direction of, or be subject to, the orders of a Bench of Magistrates, or Bench of Justices, he shall do such act by direction of, or be subject to, the orders of the District Council by whom he was appointed.

92. Whenever, by the said Ordinance, any notice or information is required to be given to an Inspector, such notice or information, as to anything occurring within a district, shall be given to the Clerk or Chairman of the District Council for the district, if no Inspector has been appointed for the district, in the same manner as though an Inspector had been appointed; and any person omitting to give such notice or information to the Clerk or Chairman, shall be liable to the same penalties as are, by the said Ordinance, fixed for an omission to give notice to an Inspector.

93. Every District Council shall have power to alter and vary from time to time the hours within which fires may be lighted within the district for the burning of stubble, hay, or grass, and to fix other hours for such purpose than those fixed by "The Bush Fires Act, 1864," or any Act amending the same; but any such alteration shall not have the force of law until public notice thereof shall have been given in the Government Gazette, and by affixing the same on the door of the District Council office for at least thirty days.

94. The District Council shall have and exercise within their district the several powers and authorities which by the several Acts following, that is to say—An Act, 6 Victoria, No. 13, intituled "An Act for establishing standard weights and measures
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in the Province of South Australia, and for the prevention of the use of such as are false and deficient; An Ordinance, No. 7 of 1845, intitled "An Ordinance to amend an Act for establishing standard weights and measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient;" and an Ordinance, No. 16 of 1845, intitled "An Ordinance to regulate the use of weighbridges and steelyards," are conferred upon the Governor or Justices of the Peace for the appointment of persons to examine balances, weights, and measures.

95. Recognizances required by the Acts or Ordinances aforesaid, or any of them, may be taken before the Chairman, or any member, or the Clerk of the District Council, and all fees payable under any of the said Acts or Ordinances to the Clerk of the Magistrates, shall, for any act done by the District Council by virtue of the powers hereby transferred to them, be paid to the District Council.

96. Every District Council may from time to time appoint and remove such officers and servants and other persons as may be necessary for carrying out the purposes of this Act, and take any security from or on behalf of any such officer or servant or other person as they may think fit and sufficient for the due performance of the duties of his office, and any person may hold two or more offices, but the office of ranger and poundkeeper shall not be held by the same person.

PART VI.

CONSTABLES.

97. Every District Council may from time to time appoint and remove a constable or constables, and every person so appointed shall, after being sworn a constable, be a peace officer of the said Province within the district, and have and exercise within the district during his tenure of office all the powers and privileges of a common constable of the Police Force of the said Province, and shall be entitled to the same protection in the lawful execution of his duty as that to which a common constable of such Police Force is entitled, and shall, in addition thereto, exercise and possess all such powers and privileges and be liable to all such duties and responsibilities as any constable may exercise, possess, or be liable to by virtue of the common law.

98. To qualify a person to be a constable under this Act he must be a ratepayer and an able-bodied man, between the ages of twenty-one and fifty, and every person so qualified shall, except as hereinafter provided, be liable to serve as such constable.

99. The following persons are exempt from serving as constables: Members of the Legislative Council or House of Assembly; officers in the service of Her Majesty on full pay; persons in the pay of the
the Government of the said Province; Justices of the Peace; Ministers of Religion authorized to solemnize Marriages; Schoolmasters; Members of the District Council; Practitioners of the Supreme Court actually practising; duly qualified Medical Practitioners; Governors of Gaols, Gaolers, and Keepers of Lunatic Asylums; Sheriff's Officers and Police Constables; any person who shall be resident out of the district. Any person who shall have served in person or by substitute, or has paid any penalty inflicted upon him for refusing to serve, shall be exempt until every other person not exempted and able to serve and who shall be on the list hereinafter mentioned for the year of the service of the person so exempt, and of every ensuing year, shall have served in person or by substitute; but service as a substitute shall not be reckoned as service for the purpose of exemption.

100. The Clerk or Collector of every District Council shall, on or before the first day of July next, and in every succeeding year, on or before the first day of July, make out a list in writing of persons liable to serve as district constables, with the names, rank, and calling, and place of residence of every person so liable.

101. A copy of such list shall be posted on all post-offices and other places which may be appointed by the District Council for the district by by-laws, as places for posting notices, and to each copy so affixed shall be annexed a notice stating a place within the district, and a time, not being less than fourteen days from the posting of the list, at which all objections to the list shall be heard before the District Council for the district.

102. A copy of such list shall also be kept at the office or the place of meeting of the District Council, for perusal by ratepayers, at all reasonable times before the day appointed for the hearing of objections by the District Council.

103. The District Council shall meet at the time and place mentioned in the notice, and the Clerk or Collector shall attend, and the District Council shall hear objections to the list, and may examine any person, and may either allow or disallow any objections, and confirm the list with such alterations as may be necessary by reason of the allowance of any objections.

104. After the confirmation of the list, the District Council shall choose therefrom the names of such persons as they may think necessary to serve as constables for one year from the date of their being sworn in.

105. Every person so chosen shall appear on a day and at an hour to be fixed by the District Council, when the Chairman of the District Council shall administer to each person chosen the following oath or affirmation:

"I (A. B., of C.) do swear (or affirm, as the case may be) that I will
will truly serve our Sovereign Lady the Queen in the office of constable, for the Province of South Australia, for the year now next following, according to the best of my ability and skill—So help me God."

And the Clerk of the District Council shall keep a record of all persons so chosen and sworn in as aforesaid.

106. If any person so chosen shall find a substitute, approved by the District Council, and shall attend with his proposed substitute at the time and place appointed for swearing in constables, and the substitute shall take the oath or affirmation above prescribed, the person chosen shall be released from service for that year, save as hereinafter provided.

107. The Clerk of the District Council, within fourteen days after the appointment and swearing-in of constables, shall send to the Commissioner of Crown Lands a list containing the names of all persons so sworn, which shall be published in the Government Gazette.

108. If a constable shall die during his year of office, or be disqualified, or if any person chosen constable shall, on being summoned, refuse or neglect to attend and be sworn, or find a substitute, the District Council shall at any time thereafter choose from the said list another person to serve as constable for the remainder of the year in the place of the person so dying, being disqualified, refusing or neglecting; and if the constable causing the vacancy was substitute for some other person, the District Council shall summon the person originally chosen to attend and be sworn, and he shall be bound to attend and be sworn, or to find a substitute to be sworn in his stead, to serve for the remainder of the year; and if less than two hundred days shall have elapsed since the first appointment of constables for that year but not otherwise, the service of the person appointed to act and serve for the remainder of the year by himself or a substitute shall be reckoned to him as service for that year.

109. It shall be the duty of any constable appointed under this Act, if he shall see any crime or offence committed within the district for which he is appointed constable, against any Act, Ordinance, or law in force for the time being in the said Province, to act in regard to the person committing such crime or offence, in the same manner as a member or constable for the time being of the Police Force would be bound to act in regard to any person committing the like crime or offence, in his presence, when on duty.

110. It shall be the duty of any constable appointed under this Act, if he shall receive information of any crime or offence having been committed within the district for which he is appointed constable, against any Act, Ordinance, or law in force for the time being in the said Province, and if requested by any person in that behalf....
PART VI.

Remuneration of constables from fines.

111. In all cases in which offenders shall be fined for any crime or offence committed against any Act, Ordinance, or law in force for the time being in the said Province, it shall be lawful for the Justices of the Peace, or Court, by whom such fine is inflicted, to order the whole or such portion of such fine as they may think proper, to be paid to any constable appointed under this Act, as remuneration for his loss of time, trouble, or expense, in relation to such crime or offence, and the apprehension of any such offender, and such fine shall be applied in that behalf as such Justices of the Peace or Court shall order or direct.

Remuneration of constables employed for service of process.

112. Every constable employed in the service of any summons or other process, shall receive as a remuneration for the same the fee payable in respect of such service, which fee the Justice issuing such summons, or the Clerk of any Local Court, or Justice, shall, and is hereby authorized to pay to the constable serving the same, upon being satisfied that the summons or other process has been duly served.

PART VII.

REVENUE AND EXPENDITURE.

113. The revenue of a District Council shall consist of the moneys following, namely—

Rents, profits, and income which may be received from any lands, tenements, or hereditaments vested in them, or over which they may have the control and management:

Proceeds arising from the sale of any lands, tenements, or hereditaments vested in the District Council; or the property of, or under the management of the District Council, which they may be authorized to sell:

Fines and penalties imposed or inflicted for any offence against this Act or the hereby repealed Acts, or any of them, or any by-law of a District Council and committed within the District, or for any offence committed by, or for any breach or neglect of duty on the part of any Councillor, ratepayer, officer, or other person in any matter relating to the district or District Council, or any Councillor, or officer, or in respect of any election or other meeting, or proceeding in connexion with such district or District Council, Councillor, or officer, all which fines and penalties shall be paid to the District Council for the use of the district:

Fines
Fines and penalties imposed in respect of any offence committed within the district under the several Acts and Ordinances mentioned in the Schedule hereto, marked G; all which fines and penalties shall be paid over to the District Council for the use of the district, save such part of any fine or penalty as may be payable to informers, which shall be paid to such informers, except in cases when the information is laid at the instance of the District Council, when the whole penalty shall be paid to the District Council:

Fees payable for any licence granted, or act or thing done by virtue of this or any of the hereby repealed Acts, or any of the said Acts and Ordinances mentioned in the Schedule hereto, marked G, or any by-law of a District Council by the District Council, or any officer of the District Council; or which, by virtue of the said Acts, may be received by the District Council, or any officer or person in their employ, and appointed by the District Council:

General and special rates and loans:

All other moneys received by the District Council, or by any officer, by virtue of this or any repealed Act, or any of the Acts in this section above-mentioned, or any by-laws, and not being moneys which such officer may be entitled to retain in manner herein referred to, in payment or part payment for his services.

114. The District Council may expend such revenue as follows—Revenue how to be expended.

In purchasing any land, tenements, or hereditaments, or property, real or personal, which may be required for carrying out the purposes of this Act:

In managing and maintaining any lands, houses, tenements, and hereditaments, and property, real or personal, which may be vested in them, or ever which they may have the control and management:

In making, maintaining, altering, exchanging, and improving District Roads:

In maintaining and managing water and other reserves for public convenience; in digging, breaking up, and planting with trees or otherwise such reserves; in improving, maintaining, and planting the banks of rivers; in maintaining and managing all jetties, piers, wharves, and breakwaters, of which the District Council may have the control and management, and in the making thereon such improvements as may be considered necessary for the public convenience, or in furtherance of the purposes for which such reserves, jetties, piers, wharves, or breakwaters were or may be made or appropriated:

In subscribing to any public hospital:

In the payment of any sums to a Guarantee Society for premiums for
PART VII.

for Clerks, or other officers, and in salaries or fees by way of remuneration to the Auditors, or to any Clerk, Treasurer, Surveyor, Valuator, Collector, Poundkeeper, Ranger, Inspector, Constable, or other officer or person heretofore or hereafter appointed under the powers vested in the District Council by virtue of this or the hereby repealed Acts or any of them:

And generally in carrying out the objects and purposes of this Act.

115. Any person appointed to or holding any office under or in the gift of a District Council may be paid either by salary or by any fees paid to or received by him, by virtue of his office, or partly by salary and partly by fees, as may be from time to time determined by the District Council.

116. All loans and special rates shall be applied to the purposes for which they shall be respectively raised or levied.

117. Every officer appointed or employed by any District Council shall, from time to time, when, and in such manner and form, and to such person as shall be required by the District Council, or by any by-law thereof, make out and deliver a true and perfect account in writing, under his hand, of all moneys received by him on behalf of such District Council or by virtue of his office; and such account shall state how and to whom and for what purpose such moneys shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for all payments; and every such officer shall pay to such District Council, or to any person authorized to receive the same, all moneys which appear to be owing from him upon the balance of such account.

118. Every District Council shall keep true and regular accounts of all sums of moneys received and paid by such District Council, and of the several purposes for which such sums of money shall have been received and paid, and shall cause such accounts to be balanced twice at least in every year ending on the thirtieth day of June; and every ratepayer for the district shall and may, at all reasonable times, upon payment of a fee of One Shilling to the Clerk, inspect, and take copies of, or extracts from such accounts, both before and after the same are audited.

119. Every District Council shall, on or before the second Monday in July next after the passing of this Act, or the appointment of the District Council, and on or before every subsequent second Monday in July, cause an account in abstract to be prepared, showing the total receipt and expenditure of all funds levied or received by virtue of this Act for the year ending on the thirtieth day of June, as aforesaid, under the several distinct heads of receipt and expenditure; with a statement of the balance of such account duly audited and certified by the Chairman of the District Council, and also by the
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the Auditors thereof; and the Clerk of the District Council shall produce a copy of the said account at every meeting of ratepayers during the next year ending on the thirtieth day of June, for the inspection of the ratepayers attending thereat.

120. All the money of every District Council, whenever the same amounts to Twenty Pounds, shall be paid into some Bank, to be fixed by the District Council, and no money shall be paid except by cheque, signed by the Chairman and one other Councillor.

PART VIII.

ASSESSMENTS—APPEALS AGAINST ASSESSMENTS—RATES, AND RECOVERY OF RATES.

121. Whenever it shall be considered necessary for any of the purposes of this Act, a District Council may make an assessment of all rateable property within the district, such assessment to be made according to the principles following, that is to say:—According to the full, fair, and average estimated annual rent, clear of all outgoings, at which such property would let from year to year, in cases where such annual rent, so estimated and clear of outgoings, shall not exceed the sum of Fifty Pounds; but in cases of property where such annual rent, so estimated as aforesaid and clear of all outgoings, shall exceed the sum of Fifty Pounds, then the assessment of such property shall be made according to the full, fair, and average estimated annual rent, clear of all outgoings, at which the whole of such property would let for a term of not less than fourteen years; and such assessment shall specify the names of the several occupiers and owners of the property assessed, so far as known, and the description of the property assessed, and the same shall be entered into a book to be called the Assessment Book, which may be in the form in Schedule II to this Act annexed, and three copies thereof at least shall be made, which shall be deposited at different convenient places within the district.

122. Every such assessment shall, when completed, be submitted for allowance to the District Council, and being allowed shall be signed by the Chairman, and dated, and continue open for inspection as hereinafter provided.

123. Public notice shall be given of the making of such assessment, and of the places where the copies thereof may be seen; and the copies shall be open for inspection at all reasonable times.

124. The District Council, from time to time, either before or after a rate is declared upon such assessment, may correct the assessment if any error of name or description shall appear therein; but, except on appeals, the annual value of any rateable property shall not be altered after the first notice of assessment shall have been published. Notice shall be given of every such alteration within
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Within ten days after making the same, by posting such notice to the person appearing in the assessment book as the occupier of the rateable property concerned, or, in case no person shall appear in the assessment book as occupier, then to the person appearing in the assessment book as owner of such property; but if no person appear in the assessment book as owner or occupier, or if no person shall appear therein as occupier, and the person appearing therein as owner shall be resident out of the district, then such notice shall be given by advertisement in the Government Gazette, addressed to all whom it may concern.

125. The District Council in making an assessment may use the assessment of the last previous or any year, with such alterations as may appear necessary, and such assessment, on due notice thereof being given for the current year, shall be sufficient to satisfy the requirements of this Act.

126. Any person may appeal against the assessment, or any alteration thereof, on any of the grounds following, that is to say—

That he is not owner or occupier of the whole or any, or some particular part of the rateable property for which his name appears as owner or occupier:

That the rateable property for which he appears to be the owner or occupier is assessed beyond its full and fair annual value:

That any rateable property, or the owner or occupier of any rateable property within the district, is omitted from the assessment:

That any rateable property is assessed below its full and fair annual value:

That any property included in the assessment is not rateable.

127. Appeals as aforesaid may be made either to the District Council or directly to the Local Court of Full Jurisdiction nearest to the ordinary place of meeting of the District Council, and from the decision of the District Council in any such appeal there may be a further appeal to such Local Court, and the decision of such Local Court shall be final, whether the appeal be to such Local Court direct, or after a previous appeal to the District Council.

128. Every appeal to the District Council or to the Local Court direct shall be commenced within twenty-one days after the publication of the notice of assessment in the Government Gazette, or the giving of the notice of alteration of assessment as the case may be, by notice in the form in the Schedule I to this Act, or in a form to the like effect. If the appeal be to the District Council, the notice shall be given to the Clerk of the District Council; if the appeal be to the Local Court, the notice shall be given to the Clerk of the Local Court, and also to the Clerk of the District Council; and notice shall also

Appeals against assessments.

Council may use assessment of previous year, making necessary alterations.

Time for appealing.

Appeals how and where heard.
also be served on the person (if any) whose name it is proposed to insert in the assessment, or whose property is alleged to be omitted or assessed below its full and fair annual value six days before the hearing of the appeal. Appeals made to the Local Court direct shall be heard at the sittings of the Local Court of Full Jurisdiction next after twenty-seven days from the publication of the notice of assessment or the giving of the notice of alteration of assessment, as the case may be. Appeals made to the District Council shall be heard within thirty-two days next after the publication or the giving of such notice, and notice of the day appointed by the District Council for the hearing of such appeals, shall, six days before the day of hearing, be given by advertisement in some convenient public newspaper (if any), and be conspicuously posted on the door of the place of meeting of the District Council.

129. On hearing of all such appeals the Clerk of the District Council shall produce the assessment book containing the assessment or alteration of assessment appealed against, and the District Council, upon examining the parties and witnesses without oath, or the Local Court, upon examining the parties and witnesses on oath, on the day of hearing, or at some adjournment of the hearing, may make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the Clerk of the District Council if the appeal be to the District Council, or by the Clerk of the Local Court if the appeal be to the Local Court.

130. Every appeal from the decision of a District Council given or made on the hearing of any appeal to such District Council as hereinbefore provided shall be commenced by notice in the form in Schedule J to this Act, or in a form to the like effect, which notice shall, within ten days after the giving or making of such decision, be served on the Clerk of the District Council and the Clerk of the Local Court, and such appeal shall come on for hearing at the sittings of the Local Court next after ten days from the service of such last mentioned notice on the Clerk of the Local Court, and on the hearing of such appeal the Clerk of the District Council shall produce the assessment book containing the assessment or alteration of assessment in question, and such Local Court may, on the day of hearing, or at some adjournment of the hearing, make such order as shall be just, and shall cause any alteration occasioned by the decision of the appeal to be made in the assessment book by the Clerk of the Local Court.

131. On the hearing of any appeal to the Local Court, whether such appeal shall be made against an assessment or alteration of assessment direct to such Local Court, or from the decision of a District Council on an appeal against an assessment or alteration of an assessment, or at any adjournment of such hearing, such Local Court may make such order as the Court may think fit for the payment of costs by or to the District Council to or by the appellant or
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by or to any respondent other than the District Council to or by the
appellant, and the payment of such costs may be enforced by a
warrant of execution under the hand of the Clerk of the Local
Court and the seal of the Court against the goods and chattels of the
person making default in payment of such costs so ordered as
foresaid, in the same manner as judgments of Local Courts are
enforceable, the remedy hereby given to be in addition to any other
remedy legally available for the recovery of such costs.

132. No Special Magistrate or Justice of the Peace shall be
disqualified from adjudicating on the hearing of any appeal to a
Local Court as aforesaid, by reason only of his being a ratepayer in
the district the assessment for which is appealed against.

133. At any time, and from time to time, after ten days shall have
elapsed from the public notice of the assessment, the District Council
may declare a rate or rates on the property included in such assess-
ment for the year ending on the thirtieth day of June next after such
assessment may be made, so as the full amount of rate or rates so
declared do not exceed One Shilling in the pound on the annual
value of the property assessed for any one year, without the consent of
the ratepayers in public meeting for that purpose assembled, and
the aggregate amount of rates declared for the purposes of this Act
in one year, with or without the consent of the ratepayers, shall not
exceed Two Shillings in the pound on the annual value of the
property assessed: Provided that no meeting of ratepayers shall be
called for the purpose of consenting to a rate unless the Council
propose to declare a rate of more than One Shilling in the pound.

134. If it shall at any time appear expedient to the District
Council to raise any sums by way of loan upon the security of the
rates of the district for any of the purposes of this Act, the District
Council shall cause to be given public notice of their intention to
raise a loan, with the amount proposed, and the rate of interest in
respect thereof, and the purposes to which it is intended to be
applied, and also the amount of the rate which it will be necessary
to impose in order to provide for the reimbursement of the loan
with interest within the period hereinafter prescribed, and shall
cause a special meeting of the ratepayers of such district to be called
for the purpose of considering the expediency of raising such loan as
aforesaid, and at such special meeting shall propose the raising of
the loan, and a special rate to be declared for reimbursement thereof,
with interest.

135. The special meeting may authorize the raising, by way of
loan, of any sum of money not exceeding the amount mentioned in
the notice, and may consent to any special rate upon all the rateable
property of the district according to the assessment for the time being
in force, or to be in force in the district, or may refuse to raise any
loan or consent to any rate: Provided, that at such special meeting
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the loan and special rate must be agreed to by two-thirds at least of the votes given.

136. The special rate shall not, with any other rate or rates to be raised under the authority hereof, exceed the amount of Two Shillings in the pound, for any one year; and shall be of such an amount as shall, according to the annual value of the rateable property of the district as assessed for the year in which the loan is made, insure the repayment of the loan and interest within fifteen years, at the furthest, from the time of raising the loan, allowing for the collection of the rate, and for contingencies, Ten Pounds per centum on the special rate for each year.

137. At every meeting to consider the question of declaring any rate or raising any loan, the Clerk of the District Council shall produce the assessment book in force for the current year, with a statement of the aggregate annual value of all property included in the assessment according thereto.

138. After any loan and special rate shall have been duly authorized, the District Council may issue bonds for such sums not exceeding in the whole the amount of the loan and interest authorized, and upon such terms as to the periodical payment thereof as to the District Council may seem fit, and may assign the special rate to the person lending, or to any person in trust for the lender.

139. General rates may be recovered by and in the name of the District Council, and special rates either in the same manner, or by and in the name of the assignee (if any) of the same, who shall have all the powers for the recovery of the same herein conferred on the District Council.

140. No rate shall be recoverable by action, from any person liable to pay the same, until twenty-one days after a written, or partly written and partly printed, notice of the amount of such rate shall have been delivered to such person, or left at his residence, or posted to him, directed to his last known or most usual place of abode, but the onus of proving that such notice has not been given shall be on the defendant.

141. The person primarily liable to payment of the rates shall be the person appearing in the assessment book as the occupier of any rateable property, or the owner (other than the Crown) of any unoccupied rateable property; or the rate may be recovered at any time after a demand from any person in possession of the property at the time the rate is demanded; and if at any time the property be vacant, or there be no sufficient distress, the owner (other than the Crown) shall be liable.

142. Any person (other than the Crown) in the actual receipt of the rents or profits of any rateable property shall be considered and
and liable as owner, whether acting as agent for some person or otherwise.

143. Rates may be recovered by action in any Court of competent jurisdiction, or in a summary manner before any two or more Justices of the Peace, from any person liable to pay the same.

144. If rates or any arrears thereof are unpaid for the space of twenty-one days after demand in writing shall have been served upon the occupier, or left at his house, or posted to him, directed at his last known or most usual place of abode, the Clerk or Collector, or his assistant may thereupon, without any warrant, enter into any part of the premises, and distrain the goods and chattels found therein; or may enter into any other house or land in the same district, occupied by any person liable to the same rates, and on whom such notice has been served by personal delivery, or by leaving the same at his house for him, and distrain his goods and chattels, therein and thereon; and if the sums for which the distress is taken be not paid for five days after the distress, together with reasonable costs, then the said distress, or so much as shall be sufficient to pay the rates and costs aforesaid, may be sold, and any overplus shall be returned to the owner of the goods.

145. All rates due before the passing of this Act may be recovered by the District Council against the persons who owe the same, or by proceedings for letting or sale of the land in respect whereof the same may be due in every respect, as though the rates had become due under this Act.

PART IX.

SALE AND LETTING OF LAND FOR PAYMENT OF RATES.

146. In any case in which rates heretofore made or declared, or hereafter to be declared, in respect of any rateable property (other than property belonging to the Crown) situate in a district shall be due, and unpaid, and in arrear, for the period of two years, it shall be lawful for the District Council, by which the assessment was made whereon the rates in arrear were due, at any time after the expiration of such period of two years, to cause to be published three times in the Government Gazette, a notice in the form in Schedule K to this Act annexed, or in a form to the like effect.

147. If after one year from the last publication of the said notice the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, the District Council may let the property from year to year, and may receive the rents, and may apply the same, in the first place, in and towards reimbursing such District Council all costs of and attending such notice and letting,
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148. Instead of letting such property, as aforesaid, the District Council may, after one year from the last publication of the notice, if the rates due at the time of the first publication thereof, or any part of such rates, are still unpaid, apply by petition, to the Supreme Court in Equity, for a sale of all or any part of the rateable property comprised in such notice; and the said Court, on being satisfied, by affidavit or otherwise, that the rates mentioned in such notice are lawfully due, and were in arrear at the time of the first publication of such notice, and that all things required by this part of this Act to be done have been done, shall order the sale, by public auction, of the rateable property comprised in such petition, or so much thereof as may be sufficient to pay the rates in arrear, including as well the rates in arrear at the time of the first publication of the notice as any rates that may become due and in arrear up to the time of the application for sale, together with interest on all such rates, at the rate of Ten Pounds per centum per annum, from the time of the same becoming due respectively, until such application for sale, and together with all costs and expenses of and attending the notice, the application, and the sale, and that the proceeds be paid into Court; and the said Court may order payment out of such proceeds, of the said rates, interest, costs, and expenses, in preference to any mortgage or other security on such rateable property; and that a conveyance, or if the property be under the provisions of "The Real Property Act of 1861," or any Act amending the same, a memorandum of transfer be executed by the Master or other officer of the Court, in such form as shall be approved by the Court or a Judge, and such conveyance, or the registration of such memorandum or transfer, as the case may be, shall vest an indefeasible legal estate in fee simple in the said rateable property in the purchaser, his heirs and assigns, free from all incumbrances, and the balance arising from the proceeds of such sale shall remain and be subject to any future or other orders of the Court for the behoof of the party or parties interested therein.

149. In case there shall be included in any such notice as aforesaid any rateable properties comprised in different assessments or belonging to different owners, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of rates, interest, costs, and expenses in respect of such rateable properties, or any part thereof, as such Court may deem just.

PART
PART X.

By-laws may be made by District Council.

150. The District Council may, from time to time, make, publish, alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet for any of the following purposes—

For regulating the election of Councillors, Chairman, or Auditors, or the appointment of all or any officers or other persons for carrying out any of the purposes of this Act:

For the regulation and control of all or any officers or servants of the Council, and of the time and mode of payment of their salaries and fees:

For fixing or regulating the securities to be taken from or on behalf of any officer or servant:

For making, imposing, declaring, levying, and collecting any assessment or rates:

For the appropriation and expenditure of district moneys:

For the management of any land, houses, tenements, and hereditaments, or other property, real or personal, vested in or under the control of the District Council for any purpose whatever:

For permitting and regulating the use of gates across district roads:

For regulating and maintaining, protecting and improving, any water or other reserves for public purposes:

For regulating bathing in any river, creek, stream, sea, or other open public water, situated within the limits of, or abutting on the boundary of any such district, for setting apart any place or any portion of any such water for the sole use of either sex, for fixing the hours within which persons may bathe, for requiring persons bathing to wear some convenient clothing, for authorizing the erection and use of bathing-houses or machines, and charging licence fees for the same, and for providing for such other matters as may appear expedient for preserving decency, or promoting the convenience of the public:

For regulating the fees payable by any person resorting to or using or obtaining or drawing any stone, water, wood, or any other thing from any land, tenements, or hereditaments, the property of or under the control of the District Council, and for regulating the mode of collecting such fees:

For regulating the depasturing of cattle upon or cutting or removing timber and removing sand from the waste lands of the Crown within the district, and for regulating the issue of certificates to license the depasturing of cattle, or cutting or removing timber, or sand, or quarrying stone, and to provide for and regulate the transfers of any such licences, and to fix the amount and manner of payment of fees for the
the same, and to regulate the description of cattle allowed on such lands, and to prevent any particular description of cattle from depasturing on the said lands or any part thereof and to prevent any unlicensed person from depasturing cattle upon the said lands, or any licensed person from exceeding the number of cattle which he may be entitled to depasture thereon:

For regulating the amount of fees to be taken for slaughtering licences:

For the inspection of balances, weights, and measures, and for ensuring the use of just balances, weights, and measures:

For the prevention and suppression of nuisances:

For regulating the manner of calling and holding meetings of the District Council and ratepayers:

For the more effectually carrying out of all and every the powers and authorities herein given to District Councils:

For inflicting fines not exceeding Ten Pounds for the breach of any by-law:

For the appointing of times when, and places in the district where, notices shall be posted:

For regulating the duties of constables under this Act.

151. Such by-laws shall not be passed, except at a meeting of the District Council, at which at least four-fifths of the members then in office shall be present; and any such by-law shall not be of any force until signed by the Chairman or Clerk of the District Council, and confirmed by the Governor, and until one week shall have elapsed from its publication in the Government Gazette, and then the by-law shall have the force of law.

152. No such by-law shall be repugnant to this or any other Act of the Legislature of the said Province, or to the general spirit and intendment of the laws in force in the said Province, or to any regulation by the Governor already issued, or hereinafter to be issued, for regulating the depasturing of cattle, or the cutting or removing of timber, or removing sand, or quarrying stone, within the district, or inconsistent with the trusts or purposes on which any land, tenements, hereditaments, or other properties may be held by the District Council; and no District Council shall be authorized to inflict any punishment, except by way of fine, as above provided.

153. If at any time after a by-law shall be made under this Act, any regulation of the Governor for regulating the depasturing of cattle upon, or cutting or removing timber or sand, or quarrying stone, from the waste lands of the Crown or other Crown lands within the district, shall be published in the Government Gazette, such regulation shall repeal so much of any such by-law as shall be inconsistent with any such regulation.
154. Any person who at the time of his appointment or election to the office of District Councillor or Auditor shall be disqualified to act in such office, or who after his appointment or election shall become disqualified, and who shall in any manner act as a District Councillor or Auditor after his appointment or election, and the existence of his disqualification, shall be liable to a penalty of Ten Pounds.

155. Every person appointed or elected to the office of District Councillor or Auditor, and who at the time of his appointment or election shall be disqualified, or who shall after his appointment or election become disqualified, and who shall, not within fourteen days after having notice of his appointment or election, and the existence of his disqualification, deliver or send through the post, in case the first Chairman for the District Council has not been elected, to the Commissioner of Town Lands, or otherwise to the Chairman or Clerk of the District Council, a notice stating that he is disqualified to act as Councillor or Auditor, as the case may be, with the grounds of such disqualification, shall be liable to a penalty of Ten Pounds.

156. Any person duly qualified, who having been duly appointed or elected as Councillor shall refuse to take upon himself the office of Councillor, and to act in the same, or who shall neglect so to do for three consecutive ordinary meetings of the District Council after his appointment or election, and any qualified person who shall have taken upon himself the office of District Councillor, and who shall resign such office in manner herein provided, or shall absent himself from the Province for three consecutive ordinary meetings without the licence of the District Council, or shall without reasonable cause absent himself from three consecutive ordinary meetings of the District Council, shall be liable to a penalty of Twenty Pounds.

157. Any Auditor who, being duly qualified and elected, and resident in the district, shall refuse or neglect to act in the duties of his office, shall forfeit and pay a penalty of Ten Pounds.

158. Any Councillor or Auditor who being duly qualified and duly elected shall be called upon in manner by this Act prescribed to defend his title to his office, and shall by default, or by collusion with any person laying the information against him, suffer an order to be made declaring his seat to be vacant, or that he is not a Councillor or Auditor, as the case may be, shall forfeit and pay a penalty of Twenty Pounds, but no Auditor resident out of the district shall be subject to this provision.

159. Any Councillor who shall be a shareholder or a member of any Joint Stock Company, incorporated by Royal Charter, or established by or incorporated under the provisions of any Act of
the Imperial Parliament, or any Act of the Legislature of the said Province, and who shall vote as Councillor in any question in which the Company, of which he shall be a shareholder or member is interested, shall forfeit and pay a penalty of Twenty Pounds.

160. If any person shall assault, disturb, or hinder any officer of or appointed by a District Council, while engaged in the performance of his duties, such person shall forfeit and pay a penalty not exceeding Ten Pounds.

161. Any officer or other person who shall be entrusted with or receive money under this Act, or by virtue of any office to which he may be appointed, or by virtue of any duty confided to him by a District Council, and shall fraudulently dispose of, or retain in his possession, or apply to his own use the same money, or any part thereof, shall be deemed and taken to have stolen the same, and be guilty of larceny.

162. Any Clerk of a District Council who shall neglect to produce or cause to be produced, at any meeting of ratepayers, a list of all persons who are in arrear with their rates, shall forfeit and pay a penalty of not less than One Pound nor more than Five Pounds.

163. Any person who shall cut, saw, or remove any timber growing, or lying, or being upon, or shall carry away any stone, sand, or any other material or thing from any land, tenement, or public reserve belonging to, vested in, or under the care or management of a District Council, without having a licence or authority from the District Council for the same, shall forfeit and pay the value of the timber so cut down, sawn, or removed, or of the stone, sand, or other material or thing so carried away, and also a penalty of not less than One Pound nor more than Ten Pounds; and this provision shall not exempt the offender from the provisions of any Act, Ordinance, or law, for the time being in force within the said Province, relating to injuries to property.

164. Any person sitting or acting as a Councillor under this Act, who shall not be of the full age of twenty-one years, shall be liable to a penalty of Ten Pounds.

165. Any person voting, or attempting to vote, at any election held under the provisions of this Act, and who shall not be of the full age of twenty-one years, shall be liable to a penalty of not less than Ten Pounds nor more than Twenty Pounds.

166. Every person liable to serve, and who shall be chosen by a District Council to serve in the office of constable, and who shall be duly summoned to be sworn, and take upon himself the office of constable, and who shall refuse, or without reasonable cause, to be allowed by the District Council, neglect to attend and be sworn as constable, or to find a qualified substitute to be sworn in his stead, shall forfeit and pay the sum of Ten Pounds.

167. Every
PART XI.

167. Every person who, after being sworn under this Act as constable, shall refuse or wilfully neglect to act in the execution of his office, or shall neglect his duty, or shall disobey any lawful warrant, or order of any Justice or Justice of the Peace, to be executed within the district, shall forfeit and pay for every such offence a sum not exceeding Five Pounds.

168. If any person shall assault or resist any constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender being convicted thereof shall forfeit and pay a sum not exceeding Ten Pounds and also such further sum of money as shall appear to the conviciting Justice or Justices to be a reasonable compensation for any damage or injury caused by such offender to the clothing, accoutrements, or horse of such constable, or for any medical or other expenses incurred in consequence of personal injury sustained by him in such assault or resistance as aforesaid, or shall be imprisoned for any term not exceeding three calendar months, with or without hard labor, or such offender may be committed for trial before any competent Court; and in case any person shall disturb or hinder any such constable in the execution of his duty, or shall aid, abet, or assist in so doing, every such offender shall for every such offence forfeit and pay any sum not exceeding Five Pounds, or be imprisoned for any term not exceeding two calendar months, with or without hard labor.

169. Any person who shall give any money or other article to a voter with a view to influence his vote, or who shall hold out to him any promise or expectation of profit, advancement, or enrichment in any shape, in order to influence his vote, or make use of any threat to a voter with a view to influence his vote; and any voter who shall receive any money or article for his vote, or shall, in consequence of any promise of profit, advancement, or enrichment, promise his vote, shall be guilty of a misdemeanor, and be liable to pay a penalty of not less than Ten Pounds or more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three calendar months.

170. Any person who shall be examined upon oath by any Court, or any Justice or Justices of the Peace, or other person under the authority of this Act, and shall wilfully, upon any such examination, make any false statement, shall be guilty of wilful and corrupt perjury, and be punished accordingly.

171. Any person who shall wilfully make any false answer to any question put to him under section 195 of this Act, by the Chairman or Clerk of any District Council, or other officer authorized by a District Council, and which Chairman, Clerk, or officer has by the said section authority to put, shall be guilty of a misdemeanor, and be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve calendar months.

172. Any
172. Any person who shall wilfully obstruct or hinder the proceedings of any meeting of Councillors or ratepayers, shall be guilty of a misdemeanor, and be liable to imprisonment for any term not exceeding two calendar months.

173. Any person who shall wilfully publish in the Government Gazette any false notice in any matter in which by this Act a notice is required to be published in the Government Gazette, or shall wilfully post any false notice in any matter of which public notice or any notice is by this Act required to be given, or shall tear down, deface, or obliterate any notice or other document posted in any place within the district under the authority of this Act, shall forfeit and pay a penalty of not less than One Pound or more than Ten Pounds.

174. The District Council may remit any penalty imposed by virtue of this Act, or any penalty which the District Council are authorized to receive by virtue of this Act, in whole or in part, except any penalty imposed for neglect or refusal to act as a Councillor, Auditor, or Constable, or for any offence against the provisions of clause 169.

PART XII.
EVIDENCE.

175. The production of the Government Gazette, containing any Proclamation heretofore or hereafter published for effecting anything which the Governor, with the advice of the Executive Council, is empowered to do by this Act shall be conclusive evidence in all proceedings that everything has been duly done which is required as a preliminary to the publication of the Proclamation, and shall be conclusive evidence of all matters and things in such Proclamation contained.

176. The production of the Government Gazette, containing any notice of the election of any person to the office of Councillor or Auditor, shall be conclusive evidence of such election, except in any proceeding to try the title of the person elected.

177. Every map prepared by a District Council, under the authority of this Act, and certified to be correct by the Surveyor-General, shall be prima facie evidence in every Court, or before any tribunal, in reference to any roads or reserves of which the District Council shall have the control and management.

178. The Government Gazette, containing a notice that any proposition has been adopted at a meeting of ratepayers, shall be conclusive evidence that such proposition has been duly made and carried at such meeting, and that such meeting has been duly called and held.

179. The minute-book of the District Council, containing a statement of proceedings,
Part xii.

ment of the proceedings at meetings thereof, and the business transacted at such meetings, shall be evidence of all such proceedings as shall purport to be authenticated by the signature of the Chairman, without proof of such meetings having been duly convened or held, or of the signature of the Chairman, or of the fact of his having been Chairman, or of the persons attending such meeting having been members of the District Council, all which last matters shall be presumed until the contrary is proved.

180. The list of persons duly qualified to act as constables under this Act, when duly confirmed by the District Council, shall be conclusive evidence that every person therein named, and resident in the district, is duly qualified to serve as constable for the then year.

181. The Government, Gazette, containing the list referred to in section 107 of this Act of the persons sworn in as constables, shall be conclusive evidence that such persons have been duly appointed and sworn in as such constables.

182. The assessment-book produced from the custody of the District Council, and the Government Gazette, containing a notice in the form in Schedule L to this Act annexed, or as near thereto as circumstances will admit, shall be conclusive evidence, except on proceedings to quash such assessment, that such assessment has been duly made and notice thereof duly published; and the Government Gazette, containing a notice of the declaring, making, or authorizing of any general or special rate or loan in the form in Schedule M to this Act annexed, or as near thereto as circumstances will admit, shall be conclusive evidence, except on proceedings to quash such rate or loan, that the rate or loan has been duly declared, made, or authorized, and shall be evidence until the contrary is shown that any special rate referred to in such notice was in force and payable in respect of the year in which such Government Gazette is published.

183. A copy, certified under the hand of the Clerk of the District Council, of any by-laws, passed by virtue of the "District Councils Act, 1858," or by virtue of this Act, with a certificate thereon signed by the Chairman of the District Council that such by-laws were duly passed, confirmed, and published, and that the requirements of this Act, or of the "District Councils Act, 1858," as the case may be, in respect of such by-laws have been complied with, shall be received as prima facie evidence of the existence of such by-laws, and of the passing, confirming, and publishing thereof, and of the performance of the requirements of this Act in respect thereof in all Courts of Law and Equity, and before all Justices or otherwise.

Part xiii.

General provisions as to meetings.

184. Every meeting of a District Council, or ratepayers and Council to be held within the district: Provided that whenever a corporate town
is entirely surrounded by a district, the District Council of such
district may hold its meetings within such corporate town.

185. All meetings of ratepayers, other than election meetings,
shall be called by public notice of the time, place, and object of the
meeting, to be given, in the case of general meetings, sixteen days
before, and in case of special meetings, twenty-four days before; and
notice of a general meeting shall be inserted once, and of a special
meeting twice, in the Government Gazette.

186. Every meeting of ratepayers shall open at ten o'clock in the
morning, or at such hour as the District Council may appoint; and
at every meeting of the ratepayers of the whole district, the Chair-
man of the District Council, if present and willing, and in default
of such Chairman, any Councillor or ratepayer chosen by the
meeting shall preside as Chairman; and at every meeting of rate-
payers for a particular ward, any Councillor or ratepayer of the
ward chosen by the meeting shall preside as Chairman: Provided
that nothing in this clause contained shall apply to meetings for the
election of Councillors or Auditors.

187. Every person of the full age of twenty-one years, whose
name appears as a ratepayer in the assessment book for the current
year, shall be entitled to vote at all meetings other than election
meetings, excepting as otherwise provided by this Act: Provided
that no ratepayer shall vote at any election or other meeting who
shall not have paid all rates, of which notice shall have appeared in
the Government Gazette, at least twenty-one days before the meeting,
and for which he may be primarily liable under this Act, or which
he may owe under the said repealed Acts, or any of them.

188. At all meetings, except meetings for consenting to a rate or
raising a loan, and except election meetings, each ratepayer shall be
entitled to one vote only.

189. At all meetings for consenting to a rate or raising a loan, each
person entitled to vote may vote on a scale according to the amount
of annual value at which his property is assessed, as under:—Twenty-
five Pounds or under, one vote; from Twenty-five Pounds to Thirty-
five Pounds, two votes; from Thirty-five Pounds to Forty-five
Pounds, three votes; from Forty-five Pounds to Fifty-five Pounds,
four votes; from Fifty-five Pounds to Sixty-five Pounds, five votes;
from Sixty-five Pounds to Seventy-five Pounds, six votes. No
person shall have more than six votes.

190. At all meetings, whether for election or for other purposes,
in case of a joint tenancy, or tenancy in common, one person only
shall vote, unless the property shall be assessed at an annual value
above Seventy-five Pounds, and then one other joint tenant or tenant
in common as aforesaid may vote for every additional Seventy-five
Pounds, or fractional part of Seventy-five Pounds, of annual value,
PART XIII.

Clerk to produce list of persons who are in arrear.

191. The Clerk of the District Council shall cause a list of all persons primarily liable under this Act, and who owe any arrears, to be produced at every election or other meeting, but the non-production thereof shall not render the proceedings of the meeting invalid.

Show of hands to be taken.

192. At any meeting, other than an election meeting, the Chairman shall take a show of hands for every resolution and amendment touching the object of the meeting, and shall declare that proposition carried for which, in his opinion, the largest show of hands appears.

Poll may be demanded.

193. After the Chairman shall have declared the result of a show of hands at any meeting, other than an election meeting, any three ratepayers may demand a poll, whereupon the Chairman shall adjourn further proceedings until the next day, or any day not later than seven days from the day of such meeting, when the poll shall be taken. Such poll shall open at ten o'clock in the forenoon, and close at four o'clock in the afternoon, and shall be held at the same place at the said meeting: Provided that in any case where there are not more than seven ratepayers present, any one ratepayer may demand a poll.

Manner of voting.

194. Each voter, at any poll meeting for other than election purposes, shall vote by giving to the Chairman or Clerk of the District Council, or officer authorized by the District Council, a paper signed by the voter, containing a description of his qualification to vote, and when a scale of voting is allowed, the number of votes he is entitled to give, and a statement or reference to the particular proposition for which he votes, and such Chairman, Clerk, or officer shall thereupon openly record such vote or votes in the poll-book, and the voting paper shall be carefully preserved amongst the records of the District Council and be open to public inspection at all reasonable times for three months.

Questions which may be asked on production of voting paper.

195. Any person tendering a voting paper at such poll meeting, may be asked by the Chairman or Clerk of the District Council, or other officer authorized by the District Council, on the application of any ratepayer present at the meeting, the questions following, or any of them, and no others—

i. Are you the person whose name is signed to the voting paper now produced?

ii. [In case of a person claiming to vote as occupier]—Are you the person appearing in the assessment book now in force for this district as the occupier of the property mentioned in the
the voting paper now tendered by you, being [here describe the property]? Or, [in case of a person claiming to vote as owner]—Are you the person appearing in the assessment book now in force for this district as the owner of the property mentioned in the voting paper now tendered by you, being [here describe the property], and is such property unoccupied?

And no person shall be entitled to vote unless he shall answer any of the above questions which may be put to him in the affirmative.

196. At the close of the poll, the Chairman shall fix a time, either on the same day, or not later than two o’clock in the afternoon on the following day, for declaring the result of the poll, and shall examine the poll book and compare the same with the voting papers, and the proposition for which the largest and requisite number or proportion of votes shall be recorded shall be carried; and in case of an equality of votes for two or more propositions, when a simple majority is sufficient to carry a proposition, the Chairman shall decide by lot which is carried, and at the time appointed shall declare which proposition is carried.

PART XIV.

LEGAL PROCEDURE.

197. No writ of quo warranto or information in the nature of a quo warranto or other proceeding shall issue, or be filed, or had, or taken in the Supreme Court, to try or question the title of any District Council, or the title of any person to act as Councillor, Chairman, or Auditor, or in any office or place in, or in the gift of, a District Council.

198. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel a District Council to proceed to the election or appointment of any Councillor, Chairman, Auditor, officer, or other person to any office or place in, or in the gift of, a District Council, or compel any person or persons to proceed to any ballot, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any District Council or person may be entitled under this Act.

199. No assessment, rate, or loan, or notice thereof, or order for declaring or making the same, or for making or allowing any alteration thereof, or any proceedings in relation thereto, shall be removed by certiorari or otherwise to the Supreme Court.

200. The proceedings for trying the title of a Councillor, Chairman, Auditor, officer, or other person to his office or place, or trying the right of any person to be admitted or restored to any such
PART XIV.

Jurisdiction of Justices.

such office or place, or to compel his restoration or admission, or to compel any District Council to proceed to any election or appointment, or to try the validity of any assessment, rate, or loan, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof any District Council or person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

201. The information may be laid at the instance of any District Council, or by any ratepayer of the district or other person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or command the District Council to proceed to take the necessary steps for and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary, or may make any order quashing any assessment, rate, or loan, which for any reason is invalid, or may make an order to compel the production or delivery of any books, voting-papers, or documents by or to any District Council, or officer thereof, to or by any person, but no order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

202. All claims by or on the part of any District Council to any moneys, or to any vouchers, receipts, papers, writings, property, and effects whatsoever, retained or not duly accounted for by any Collector, or other officer or person employed by the District Council, may be heard and determined by any two or more Justices of the Peace in a summary way.

203. On non-compliance with any order made by any Justices of the Peace, under the provisions hereof, on information laid at the instance of any District Council, or by any ratepayer or person interested, any two or more Justices of the Peace may order any sum of money to be paid by or to any District Council, or officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with any such order, and may order any such person to be imprisoned, either for a special time not exceeding six calendar months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid; and on non-compliance with any order commanding anything to be done by a District Council, any two or more Justices of the Peace may order the payment of any sum of money by, or the imprisonment of, any person who would before the passing of this Act have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of mandamus issued out of the Supreme Court commanding the District Council to do the act directed by such order.

204. No
204. No proceedings to try the title of any person to any office or place in, or in the gift of a District Council, shall be had or taken except upon an information laid within two calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen; and no proceedings to try the validity of any assessment, rate, or loan, shall be had or taken except upon an information laid within two calendar months from the time at which notice of the assessment, rate, or loan first appeared in the Government Gazette.

205. No order for the exchange of any water reserve or land shall be removed into the Supreme Court by writ of certiorari or otherwise, at any time after six calendar months from the insertion in the Government Gazette of a notice of the confirmation of the order by the Governor.

206. All proceedings under the Act No. 9 of 1853, intitled "An Act to regulate the occupation of Crown Lands in South Australia," in respect of matters arising within the limits of any district which the District Council thereof shall have power to regulate by any by-law, may be had and taken on the information or at the suit of any Chairman, Clerk, or Ranger of the District Council for the district.

207. All fines and penalties for any offence against this Act, or any by-law of a District Council, may be recovered before any two or more Justices of the Peace in a summary way, on an information at the instance of the District Council, or of any person or persons whatever.

208. The proceedings before Justices may be conducted as appointed by, and shall be regulated under the Ordinance No. 6 of 1850, intitled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders."

209. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, or (where the proceedings resulting in such adjudication are taken at the instance of a District Council or any duly authorized officer thereof) under any of the Acts or Ordinances mentioned in Schedule G to this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice of the Peace may commit the offender or person making default in payment to any gaol in the said Province for any time not exceeding three calendar months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not effect any remedy under the said Ordinance, No. 6 of 1850, or under any of the Acts or Ordinances mentioned in Schedule G to this Act for the recovery of any fine or any pecuniary penalty or amends.

210. There
PART XIV.

Appeal to Local Court from order made by Justices.

Local Court of Adelaide may, on appeal, state a case for opinion of Supreme Court.

No officer to be sued or prosecuted by reason of contract or liability entered into or incurred by the Council.

Proceedings in insolvency may be taken by Clerk.

In indictments any property stolen from

210. There shall be an appeal from any order of Justices of the Peace made under the provisions hereinafter contained, or from any conviction by Justices for any offence against this Act, or any by-law of a District Council, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No 6 of 1850, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as the Court shall think fit, although such costs may exceed Ten Pounds.

211. It shall be lawful for the Local Court of Adelaide, upon the hearing of any appeal under the last preceding section, to state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases, according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any one or more Justices of the Local Court of Adelaide, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justices of the Peace or Local Court shall be enforced in manner provided by this Act, for the enforcement of orders of Justices of the Peace, and, save as herein provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court of the said Province.

212. No Councillor shall be subject to be sued or prosecuted by any person whomsoever, and the body, goods, or lands of a Councillor shall not be liable to any execution of any legal process by reason of any contract or other instrument entered into by any District Council, or by reason of any other lawful act done by the District Council in the execution of any of their powers, and every Councillor, his heirs, executors, and administrators shall be indemnified by the District Council for all payments made, or liability incurred, in respect of any act done by him, and of all losses, costs, and damages which he may incur in the bona fide execution of the powers granted to him by this or any other Act.

213. If any person against whom any District Council shall have any claim or demand shall become insolvent under the provisions of any Act or Ordinance relating to insolvents, the Clerk or other officer in that behalf appointed by the District Council in all proceedings against the estate of such insolvent, or under any adjudication or act of insolvency against such insolvent, may represent the District Council and act in their behalf in all respects, as if such claim or demand were the claim or demand of the Clerk or other officer in his own right.

214. In any indictment to be preferred by any District Council against
against any person who shall steal or wilfully injure and in any
proceedings to be instituted in relation to any property or thing
belonging to District Councils, or under their management, it shall
be sufficient to state generally the property or thing in respect of
which such indictment shall be preferred, or proceeding instituted,
to be the property of such District Council.

215. Any summons, or notice, or writ, or other proceeding at
law or in equity required to be served upon any District Council,
may be served by the same being left for or sent through the post-
office directed to such District Council at their principal office or
usual place of meeting, or by being given personally to the Clerk
of such District Council, or in case there be no Clerk at such
principal office or usual place of meeting, then by being given to any
one Councillor, and every letter containing such summons, or notice,
or writ, shall be registered.

216. Every order, summons, notice, or other document in any
proceedings in law or in equity requiring authentication by any Dis-
trict Council, shall be sufficiently authenticated if signed by the
Chairman or by the Clerk of the District Council, and the same may
be in writing or in print, or partly in writing and partly in print.

217. All prosecutions for the recovery or infliction of pecuniary
penalties and all actions to be commenced against any Councillor,
Chairman, officer, or person for anything done or omitted to
be done in pursuance of this Act, shall be commenced within
three calendar months after the happening of the cause of
prosecution or action, and not otherwise, except as hereinbefore
to the contrary provided; and notice in writing of such action and
of the cause thereof shall be given to the defendant one calendar
month at least before the commencement of the action, and the
defendant in any such action may plead the general issue and give
this Act and the special matter in evidence at any trial; and the
plaintiff should not recover in such action if tender of sufficient
amends shall be made before action brought, or if after action
brought, the defendant shall pay into Court sufficient amends;
but in such last-mentioned case the plaintiff shall recover his costs
of suit up to the time of payment into Court, and if a verdict shall
pass for the defendant, or the plaintiff become nonsuit, or discon-
tinue, or the defendant otherwise recover judgment, he shall recover
full costs as between attorney and client, and have his remedy for
the same in the usual way.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

A. MUSGRAVE, Governor.

SCHEDULES
SCHEDULES REFERRED TO.

A.
Acts Repealed.

<table>
<thead>
<tr>
<th>Reference to Act</th>
<th>Title of Act</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 of 1858</td>
<td>&quot;District Councils Act, 1858&quot;</td>
<td>The whole</td>
</tr>
<tr>
<td>10 of 1861</td>
<td>An Act to amend the &quot;District Councils Act, 1868,&quot; by the repeal of the 117th, 118th, and 119th clauses thereof.</td>
<td>The whole</td>
</tr>
<tr>
<td>8 of 1862</td>
<td>&quot;The District Councils Act, 1862&quot;</td>
<td>The whole</td>
</tr>
<tr>
<td>21 of 1855-6</td>
<td>An Act further to amend the Act No. 10 of 1858, intituled &quot;An Act to consolidate and amend the Laws relating to District Councils...&quot;</td>
<td>The whole</td>
</tr>
</tbody>
</table>

B.

District Council of __________. — Annual Election of Councillors and Auditors for the year ending 1st July, 18__ [or as the case may be].

I, A.B., of [insert name, residence, and calling, and number of property in the Assessment Book] hereby propose, and I, C.D. [insert the like], hereby second E.F., of [insert description of candidate; if two, the like also for the second candidate] as a fit and proper person [or persons] to represent this District [or Ward, as the case may be] as one [or two] of its Councillors.

Signature of A.B.
Signature of C.D.

I, A.B. of [insert as above] hereby propose, and I, C.D., of [insert as above], hereby second E.F., of [insert as above]. [If two, the like also for the second candidate] as fit and proper to be the [or one of the] District Auditors.

Signature of A.B.
Signature of C.D.

C.

Agreement for Exchange of Water Reserve or Land,

District of __________.

An agreement, made pursuant to "the District Councils Act, 1876," between the District Council of __________ of the one part, and [owner of land to be taken in exchange] of __________ (occupier, if any other than the owner) of __________ of the other part.

Whereas the __________ is the owner [or, the owner or occupier] [and the said __________ is the occupier] of a piece of land within the said district [here describe the land to be taken in exchange], and it is considered expedient that the water reserve or piece of land [or part of a water reserve] situate within the said district [here describe the reserve, or part, or land to be exchanged] should be exchanged for the land first above described: It is hereby agreed between the said parties that such exchange shall be made [and that the said shall pay to the said the sum of __________ for equality of exchange].

Dated the __________ day of __________.
D.

Order for Exchange of Water Reserve or Land.

District of

WHEREAS we, the District Council of ____________, deeming it expedient to exchange the piece of land containing [the water reserve], situate [here describe the piece of land generally], and within the said district, for another piece of land containing [here describe same], and situate within the said district, have, pursuant to “The District Councils Act, 1876,” entered into an agreement for such exchange with the [reputed] owner, and the occupier of the last-mentioned land, and have caused a survey map and plan containing the exact dimensions and position of the said pieces of land to be deposited in the Surveyor-General’s office: And whereas we have caused a notice to be inserted in the Government Gazette of the day of ____________, 18__, stating our intention to make the said exchange, and giving all other the particulars required by the said Act: And whereas [no objections having been made to the said exchange, or notice having been given us by (names of objectors) of (state how many) objections to the said exchange] a meeting of us, the said District Council, was held after the expiration of forty days and within sixty days from the first publication of the said Gazette notice, that is to say, on the day of ____________, 18__, at ____________, in the said Province, being the time and place appointed in the said Gazette notice, at which meeting we considered the said proposed exchange, and the said objections, and determined to make the order hereinafter contained: Now, therefore, in pursuance of the provisions of the said Act, we, the said District Council of ____________, do hereby order that the said piece of land first above described shall be exchanged with the said [owner] for the said piece of land secondly above described, in manner set forth in the said Gazette notice.

Dated the day of ____________, 18__.

F.

Notice of Confirmation of Order for Exchange of Water Reserve or Land.

District of

Notice is hereby given, that the District Council of ____________, did, on the day of ____________, 18__, cause to be published a notice, intimating their intention to exchange a water reserve [or, part of a water reserve, or the piece of land] situate [describe generally the situation of the reserve of land, giving general description of the piece to be taken in exchange]; and the District Council, by an order of the day of ____________, 18__, having ordered the exchange to take place in manner stated in the notice, His Excellency the Governor has been pleased to confirm the order, and to direct that the Commissioner of Crown Lands shall issue certificates of title to the persons entitled respectively to the lands mentioned in such order.

Dated—

Crown Solicitor.

F.

Receipt for Money Paid for Equality of Exchange of Water Reserve or Land (where endorsed on the agreement).

District of

We [or I], the within-named ____________, do hereby acknowledge to have received from the within-named ____________, the sum of ____________, being the amount within agreed to be paid by ____________, for equality of exchange.

Dated the day of ____________, 18__.

[The like, where not endorsed.]
The District Councils Act.—1876.

the amount of the said agreement agreed to be paid for equality of exchange, having been paid to by I [or we], the said , do hereby acknowledge to have received the same.

Dated the day of , 18 .

FF.

Certificate of Title by Commissioner of Crown Lands under Order for Exchange of Water Reserves or Land.

South Australia, Register Book, Vol. , Folio .

I, Commissioner of Crown Lands of the said Province, pursuant to the direction of His Excellency the Governor, published in the Government Gazette of the day of in confirming an order for exchange of made by herein referred to, dated the day of do hereby certify that is [or are] now seized of an estate in fee simple in that

FFF.

Certificate of Title of Commissioner of Crown Lands for Water Reserves, under District Councils Act, 1876.

South Australia, Register Book, Vol. , Folio .

I , Commissioner of Crown Lands of the said Province, pursuant to section 77 in the District Councils Act, 1876, do hereby certify that is [or are] now seized of an estate in fee simple in that

G.

Acts—the Penalties for Offences against, and Fees and Moneys received under which, are to be paid to District Councils.

<table>
<thead>
<tr>
<th>Reference to Act</th>
<th>Title of Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Vict., No. 5 (1840) 2 of 1844</td>
<td>An Act to regulate the Slaughtering, and prevent the Stealing, of Cattle.</td>
</tr>
<tr>
<td>6 Vict., No. 13 (1842) 7 of 1845</td>
<td>An Ordinance to authorize the levying of Fees on the Slaughtering of Cattle in South Australia.</td>
</tr>
<tr>
<td>7 of 1845</td>
<td>An Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient.</td>
</tr>
</tbody>
</table>
| 16 of 1845 | An Ordinance to amend "An Act for establishing Standard Weights and Measures in the Province of South Australia, and for the prevention of the use of such as are false and deficient."
| 19 of 1847 | An Ordinance to regulate the use of Weighbridges and Steelyards. |
| 17 of 1852 | An Ordinance to impose Penalties on persons injuring or endangering the property of others by wilful or negligent Burning of Stubble or other produce. |
| 11 of 1853 | An Act for the making and improving of Roads in South Australia. |
| 15 of 1853-6 | The Roads Act, 1865-6. |
| 9 of 1853 | An Act to regulate the Occupation of Crown Lands in South Australia. |
| 8 of 1858 | The Impounding Act of 1858. |
| 6 of 1852 | An Act to regulate the Sale of certain Poisons. |
| 19 of 1862 | An Act for the regulation of Cemeteries. |
| 29 of 1862 | The Thistle and Bur Act of 1862. |
| 18 of 1864 | The Bush Fires Act, 1864. |
| 15 of 1874 | An Act to amend "The Bush Fires Act, 1864." |
| 6 of 1867 | The Dog Act, 1867. |
| 13 of 1867 | The Width of Tires Act of 1867. (As to one moiety only). |
| 9 of 1868-9 | An Act to amend the "Width of Tires Act of 1867" (excepting as regards penalties, fees, and moneys received in respect of offences committed on any main road). (As to one moiety only). |
| 16 of 1872 | An Act to provide for the carrying of Lights by Vehicles at Night. (As to one moiety only). |
| 26 of 1873 | The Forest Trees Act, 1873. |
| 6 of 1875 | An Act to regulate the use of Guns and Firearms in certain cases. |
| 16 of 1876 | The Rabbit Destruction Act, 1875 (so far as regards penalties and fees which by such last-named Act are directed or authorized to be paid to or received by District Council). |
The District Councils Act.—1876.

### H.

**District Council of**

**Assessment Book for the Year ending June 30th, 18**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Occupier</th>
<th>Name of Owner or Agent</th>
<th>Nos. of Sections</th>
<th>Area in Acres</th>
<th>Description of rateable property—whether arable, pasture, or scrub land; and also what buildings (if any) thereon.</th>
</tr>
</thead>
</table>

**Assessment Book—(continued).**

<table>
<thead>
<tr>
<th>Situation</th>
<th>Annual Value</th>
<th>Rate, at</th>
<th>Arrears</th>
<th>When paid</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### I.

**Notice of Appeal from Assessment.**

Sir—You are requested to take notice that I appeal to the [here state to the District Council, or Local Court of Full Jurisdiction, at] against the assessment of my property, Section [here set forth grounds of appeal].

I am, Sir, your obedient servant,

To the [Clerk of the District Council of] [or to the Clerk of the District Council of] and to the Clerk of the Local Court of (as the case may be).

### J.

**Notice of Appeal from the Decision of the District Council.**

To the Clerk of the District Council of, and to Mr. the Clerk of the Local Court of:

Take notice that it is my intention to appeal to the Local Court of Full Jurisdiction, at, from the decision of the District Council on my appeal thereto against the assessment of my property, Section, Assessment No. [here set forth grounds of appeal].

I am, Sir, your obedient servant,

### K.

**Notice** is hereby given that there is now due, in respect of the land [or lands, as the case may be] mentioned in the Schedule hereto, the sum [or respective sums] set opposite to the description of such land [or lands] in the Schedule, for a rate [or rates] made [or declared] by the District Council of, for the year [or years] ending as in the said Schedule mentioned; and the owner [or owners] of such land [or lands] are required to take notice that unless the amount [or amounts] so due, together with costs of and attending this notice, be paid in one year from the first publication of this notice, the said District Council will let the same from
The District Councils Act.—1876.

year to year, in manner provided by "The District Councils Act, 1876," or an application will be made by the said District Council to the Supreme Court in Equity for an order for the sale of the said land [or lands] or so much thereof as may be necessary to produce the rates so due and costs as aforesaid, and also the costs of and attending the said application.

Dated this day of , 18.

The Schedule.

<table>
<thead>
<tr>
<th>Description of land—by numbers of Sections and names of Hundreds, or numbers of Allotments, and names of Townships, or other description.</th>
<th>Name of owner, or reputed owner (or state if owner unknown).</th>
<th>Number of years for which rates in arrear.</th>
<th>Date of ending of last year for which rates in arrear.</th>
<th>Amount of Rates.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L.

Notice of Assessment.

District of

Notice is hereby given, that the District Council of have caused to be made an assessment of all rateable property within the above District, with the names of the owners and occupiers, so far as known, of such property; and that copies of the assessment have been made, and that such copies are deposited at [here state where the copies are deposited], and are open for inspection at all reasonable times: and any person intending to appeal against the assessment may do so, by notice, as required by "The District Councils Act, 1876," within ten days from the publication of this notice in the Government Gazette.

Dated the day of 18 .

(Signed) A.B., Chairman [or Clerk].

M.

Notice of Rate.

Notice is hereby given, that at a meeting of the District Council of duly held on the day of , 18 , a rate was declared of in the pound upon the assessment for the District, and all persons liable are required to pay the amount of the rate according to the assessment to the Clerk [Collector, or other officer], at

Dated the day of 18 .

(Signed) A.B., Chairman [or Clerk].

Notice of Special Rate.

District of

Notice is hereby given, that at a public meeting of the ratepayers of the above-named district, duly held on the day of , 18 , it was resolved to consent to a special rate of in the pound upon the assessment of the said District, and that such rate should remain in force for the period of fifteen years, [or as the case may be] from the making thereof, or until the repayment of the loan by the said meeting authorized to be raised; and at a meeting of the District Council of duly held on the day of , 18 , a special rate was accordingly declared of in the pound upon the said assessment; and all persons liable on the assessment for such District for the current year are hereby required to pay the amount of such rate, according to the assessment, to the Clerk, Collector, or other officer or assignee, of such rates [as the case may be], at

Dated the day of 18 .

(Signed) A.B., Chairman [or Clerk or Assignee of the Rate].

Adelaide: By authority, W. C. Cox, Government Printer, North-terrace.